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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Second periodic reports submitted by States parties under articles 16 and 17 of the Covenant

Addendum

IRELAND*

[25 August 2000]

* The initial report concerning rights covered by articles 1 to 15 (E/1990/5/Add.34) submitted by the Government of Ireland was considered by the Committee on Economic, Social and Cultural Rights in 1999 (see E/C.12/1999/SR.14-16). The information submitted by Ireland in accordance with the guidelines concerning the initial part of reports of States parties is contained in the core document (HRI/CORE/1/Add.15/Rev.1).

The attachments referred to in the report and the appendices are available for consultation in the secretariat.

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Abbreviations

AONTAS	The National Association of Adult Education
ALCES	The Adult Literacy and Community Education Scheme
CAO/CAS system	Central Applications Office/Central Admissions Service
CERT	The State Training Agency for Hotels, Catering and Tourism
CEVA	Council for Educational and Vocational Awards
DIT	Dublin Institute of Technology
EDPW	European Drug Prevention Week
EEA	Employment Equality Agency
ERO	Employment Regulation Order
ESRI	Economic and Social Research Institute
FÁS	Ireland's main State training agency
ICTU	Irish Congress of Trade Unions
ILO	International Labour Organization
IR	Irish Reports
IRIS	The European Network for Vocational Training for Women
JLC	Joint Labour Committees
JLO	Juvenile Liaison Officer
NAPS	National Anti-Poverty Strategy
NCCA	National Council for Curriculum and Assessment
NCEA	National Council for Educational Awards
OECD	Organisation for Economic Development and Co-operation
PESP	Government Programme for Social and Economic Progress
REA	Registered Employment Agreements
RTC	Regional Technical College
RTE	Radio Teilifis Éireann - the National Broadcasting Authority
Teagasc	Agriculture and Food Development Authority
UDC	Urban District Council
VPT	Vocational Preparation and Training Programmes
VECs	Vocational Education Committees
VTOS	The Vocational Training Opportunities Scheme

PART ONE

A. Introduction

1. Ireland signed the International Covenant on Economic, Social and Cultural Rights on 1 October 1973. The Covenant was subsequently ratified on 8 December 1989 and entered into force on 8 March 1990. Ireland's initial report was submitted to the Committee on Economic, Social and Cultural Rights in 1996 and was examined in Geneva, at the twentieth session of the Committee, in May 1999.

2. In accordance with articles 16 and 17 of the Covenant governing rules for submission of reports by State parties, this report serves as the second periodic report of Ireland. The report covers the period from 1996 to 1998. The report was coordinated by the Human Rights Unit in the Political Division of the Department of Foreign Affairs. All government departments which have responsibilities under the Covenant contributed material to this report. The deadline for the submission of Ireland's second periodic report was 29 June 1997. Ireland regrets the delay in the submission of this report.

3. Reference is made to the core document forming part of the reports of States Parties submitted by Ireland providing information on its land and people, general political structure, general legal framework within which human rights are protected and information and publicity regarding the Covenant.

4. The Committee is also specifically referred to the latest report submitted by Ireland under article 40 of the International Covenant on Civil and Political Rights.

B. General developments

5. The initial report of Ireland, which followed the revised general guidelines regarding the form and content of reports of State Parties, was submitted to the Secretary-General of the United Nations in 1996. Since then, some significant changes have taken place. The following information is supplementary to that provided in the initial report of Ireland in 1996. Each of the sections of this report updates or supplements, as appropriate, the account given in the corresponding section of Ireland's initial periodic report, to which the Committee is accordingly referred. Articles in relation to which no new legislative or administrative developments have occurred are not included in this report (i.e. articles 1, 4, 5 and 14).

Updates on core document

Land and people (see paras. 1-4 of the core document)

6. A referendum was held on 22 May 1998 on a bill which proposed to amend the Constitution to allow the Government to ratify the "Good Friday" multiparty agreement on Northern Ireland (copy attached). The Nineteenth Amendment of the Constitution Bill 1998 was passed by both Houses of the Oireachtas and was submitted to the people in accordance

with article 46 of the Irish Constitution and new legislation dealing with the provision of information made available to voters during a referendum campaign (The Referendum Act, 1998, copy attached).

7. Under the Good Friday Agreement, the Northern Ireland parties affirmed their commitment to, inter alia:

The right of free political thought;

The right to freedom of expression of religion;

The right to pursue democratically national and political aspirations;

The right to seek constitutional change by peaceful and legitimate means;

The right to freely choose one's place of residence;

The right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;

The right to freedom from sectarian harassment;

The right of women to full and equal political participation.

8. The Irish Government also agreed to take steps to further strengthen the protection of human rights in its jurisdiction. The Government agreed, taking account of the work of the All-Party Oireachtas Committee on the Constitution and the report of the Constitution Review Group, to bring forward measures to strengthen and underpin the constitutional protection of human rights. These proposals will draw on the European Convention on Human Rights and other international legal instruments in the field of human rights. The question of the incorporation of the European Convention will be further examined in this context. In addition, the Irish Government agreed to:

Establish a Human Rights Commission with a mandate and remit equivalent to that within Northern Ireland;

Proceed with arrangements as quickly as possible to ratify the Council of Europe Framework Convention on National Minorities;

Implement enhanced employment equality legislation;

Introduce equal status legislation;

Continue to take further active steps to demonstrate its respect for the different traditions in the island of Ireland;

Initiate a wide-ranging review of the Offences Against the State Acts 1939-1985 with a view to both reform and dispensing with those elements no longer required by prevailing circumstances.

9. The referendum was passed, with 56 per cent of the electorate turning out to vote. Of those who voted, 94.5 per cent voted in favour of the Agreement. The following sections will be added to article 29 of the Constitution:[1]

1°. The State may consent to be bound by the British-Irish Agreement done at Belfast on the 10th day of April 1998, hereinafter called the Agreement.

2°. Any institution established by or under the Agreement may exercise the powers and functions thereby conferred on it in respect of all or any part of the island of Ireland notwithstanding any other provision of this Constitution conferring a like power or function on any person or any organ of State appointed under or created or established by or under this Constitution. Any power or function conferred on such an institution in relation to the settlement or resolution of disputes or controversies may be in addition to or in substitution for any like power or function conferred by this Constitution on any such person or organ of State as aforesaid.

3°. If the Government declare that the State has become obliged, pursuant to the Agreement, to give effect to the amendment of this Constitution referred to therein, then, notwithstanding Article 46 thereof, this Constitution shall be amended as follows:

i. the following Articles shall be substituted for Articles 2 and 3 of the Irish text: ... (see the Agreement attached)

English text:

"Article 2

It is the entitlement and birthright of every person born in the island of Ireland, which includes its islands and seas, to be part of the Irish nation. That is also the entitlement of all persons otherwise qualified in accordance with law to be citizens of Ireland. Furthermore, the Irish nation cherishes its special affinity with people of Irish ancestry living abroad who share its cultural identity and heritage.

Article 3

1. It is the firm will of the Irish nation, in harmony and friendship, to unite all the people who share the territory of the island of Ireland, in all the diversity of their identities and traditions, recognising that a united Ireland shall be brought about only by peaceful means with the consent of

a majority of the people, democratically expressed, in both jurisdictions in the island. Until then, the laws enacted by the Parliament established by this Constitution shall have the like area and extent of application as the laws enacted by the Parliament that existed immediately before the coming into operation of this Constitution.

2. Institutions with executive powers and functions that are shared between those jurisdictions may be established by their respective responsible authorities for stated purposes and may exercise powers and functions in respect of all or any part of the island."

iii. the following section shall be added to the Irish text of this Article: ...

and

iv. the following section shall be added to the English text of this Article:

"8. The State may exercise extraterritorial jurisdiction in accordance with the generally recognised principles of international law."

4°. If a declaration under this section is made, this subsection and subsection 3, other than the amendment of this Constitution effected thereby, and subsection 5 of this section shall be omitted from every official text of this Constitution published thereafter, but notwithstanding such omission this section shall continue to have the force of law.

5°. If such a declaration is not made within twelve months of this section being added to this Constitution or such longer period as may be provided for by law, this section shall cease to have effect and shall be omitted from every official text of this Constitution published thereafter.

10. The results of the 1996 census reveal that the population has reached its highest level this century. The total population now stands at 3,626,087, which represents an increase of more than 100,000 in the previous five years. The major population centres are Dublin, Cork, Galway, Limerick and Waterford, with nearly 6 out of 10 people living in urban areas, and 1 in 4 living in the greater Dublin area. The eastern seaboard province of Leinster accounts for 53.1 per cent of the population, compared to 38.7 per cent in 1926.

11. An examination of the census records illustrates trends similar to those in other European countries e.g. high life expectancy, low death rate, low infant and maternal mortality. The census also reveals a high dependency ratio as indicated in the large percentage of those under 15 and over 65. In particular, the results show that the population is ageing at a rapid pace - the average age is now 33.6 as compared to 30.8 in 1981, and that the average number of children per family now stands at 1.8.

12. No questions on religion were asked in the 1996 census, as they are traditionally asked only every 10 years. Results from the 1991 census, however, reveal that the majority of Irish people belong to Christian religious denominations. Roman Catholics make up 92 per cent of the population whilst 3.4 per cent belong to various Protestant denominations. There is also a small but well-established Jewish community. In recent years, a small Muslim community has developed, mainly in Dublin. The remainder belong either to smaller religious groups, or have no specific religious affiliation.

The Government (see paras. 8-10 of the core document)

13. The Constitution has been amended on 18 occasions since 1941.[2] The Eighteenth Amendment to the Constitution Bill allowed Ireland to ratify the Treaty of Amsterdam amending the Treaty on European Union, the Treaties establishing the European Communities and certain related Acts signed at Amsterdam on 2 October 1997.

14. A Supreme Court decision of 1992, to the effect that discussions within Cabinet were absolutely confidential, was changed by Constitutional Amendment in 1997 so that confidentiality can be lifted by the High Court in the interests of the administration of justice, or for the purpose of a public inquiry authorized by the Oireachtas.

The Civil Service (see paras. 17-18 of the core document)

15. The legal basis for the present Irish system of public administration is contained in the Ministers and Secretaries Act, 1924. This Act, and its subsequent amendments, provide a statutory classification of the functions of government under the various departments of State.

16. The Public Service Management Act, 1997 gives a new statutory framework for the allocation of authority, responsibility and accountability within and across government departments. (A copy of the Act is herewith attached.)

17. Recruitment to the Civil Service is by open public competition administered by an independent State Commission. At present, there are approximately 29,300 people employed in the Civil Service. Civil servants above clerical level are precluded from involvement in party political activity.

The Constitution of Ireland (see paras. 21-22 of the core document)

18. The Constitution Review Group, of which the Attorney-General was a member, was established by the Government of Ireland on 27 April 1995. Its purpose was to review the Constitution and, in the light of this review, to establish those areas where constitutional change might be desirable or necessary, with a view to assisting the work of the All-Party Committee on the Constitution which was established subsequently by the Oireachtas. The report of the Constitution Review Group (copy attached) was published on 23 May 1996 and subsequently presented to the All-Party Oireachtas Committee on the Constitution.

19. The All-Party Oireachtas Committee on the Constitution was established on 3 July 1996 with the following terms of reference:

> "In order to provide focus to the place and relevance of the Constitution and to establish those areas where Constitutional change may be desirable or necessary, the All-Party Committee will undertake a full review of the Constitution. In undertaking this review, the All-Party Committee will have regard to the following:
>
> (a) the Report of the Constitution Review Group;
>
> (b) certain constitutional matters i.e. Articles 2 and 3, the Right to Bail, Cabinet Confidentiality and Votes for Emigrants which are the subject of separate consideration by the Government;
>
> (c) participation in the All-Party Committee would involve no obligation to support any recommendations which might be made, even if made unanimously;
>
> (d) members of the All-Party Committee, either as individuals or as Party representatives, would not be regarded as committed in any way to support such recommendations;
>
> (e) members of the All-Party Committee shall keep their respective Party Leaders informed from time to time of the progress of the Committee's work;
>
> (f) none of the parties, in Government or Opposition, would be precluded from dealing with matters within the All-Party Committee's terms of reference while it is still sitting;
>
> (g) whether there might be a single draft of non-controversial amendments to the Constitution to deal with technical matters."

20. The All-Party Oireachtas Committee is an informal one. Subject to the agreed terms of reference, it is a matter for the Committee to settle its own procedures.

21. The Committee has published two progress reports - First Progress Report on 23 April 1997 and Second Progress Report on 30 April 1997. Both of these reports are attached. The First Progress Report contains the strategy adopted by the Committee. Because there is no popular impetus behind the process of constitutional renewal, the Committee decided that it would not be possible to put forward to the people, with good prospects of success, a totally revised Constitution for approval in a single referendum. It therefore agreed that the best way to proceed is to draw up a programme of constitutional amendments to be implemented over a reasonable period, and has concluded that a comprehensive renewal of the Constitution could be achieved by a programme of approximately 50 proposals.

22. The Committee was re-constituted on 16 October 1997 after the formation of the new Dáil with similar terms of reference (term (b) above omitted however). In June 1998 it published, in association with the Policy Institute of Trinity College Dublin, "A New Electoral System for Ireland?" by Michael Laver (copy attached).

The Court of Criminal Appeal (see para. 27 of the core document)

23. The original text of paragraph 41 should be amended to reflect the position following the enactment of the Criminal Justice (Miscellaneous Provision) Act, 1996, which amended the law in relation to the basis on which an appeal to the Court of Criminal Appeal would be heard and determined. The Court of Criminal Appeal can now hear appeals, from all cases of indictable crime dealt with in the Circuit, Central and Special Criminal Courts, on the basis of a record of the proceedings at the trial and on a transcript thereof verified by the trial judge. It has power to hear new or additional evidence and to refer any matter for report by the trial judge. The court can also vary the sentence of the lower court and set aside a verdict and, if necessary, order a re-trial.

24. Provision has been made by statute (Part II of the Courts and Court Officers Act, 1995) for the transfer of the powers vested in the Court of Criminal Appeal to the Supreme Court. To date, the relevant statutory provisions have not been brought into operation but this will be done in due course.

The Special Criminal Court (see para. 29 of the core document)

25. Although the Special Criminal Court normally sits as a Court of three serving judges (see para. 45 of the initial report), the Government decided on 19 November 1996 to retain the services of Judge Gerard Buchanan on the Special Criminal Court until 28 August 1997 even though he had retired from the Circuit Court with effect from 28 August 1996. On 28 July 1997, the Government decided not to retain Judge Buchanan as a member of the Special Criminal Court with effect from 28 August 1997.

26. As mentioned in paragraph 8, the Irish Government has agreed to initiate a wide-ranging review of the Offences Against the State Acts 1939-1985 under the "Good Friday" agreement. This process has now begun.

Incorporation of international agreements

27. On the question of the incorporation of international agreements into Irish law, please refer to paragraphs 13-17 of the Second Report by Ireland under the International Covenant on Civil and Political Rights.

PART TWO

DESCRIPTION, ON AN ARTICLE BY ARTICLE BASIS, OF THE LEGISLATIVE, JUDICIAL, ADMINISTRATIVE OR OTHER MEASURES WHICH ARE IN PLACE OR HAVE BEEN ADOPTED IN IRELAND TO GIVE EFFECT TO THE PROVISIONS OF THE COVENANT

Article 2

Policies concerning the prevention of discrimination and the promotion of equal opportunities (see para. 54 of the initial report)

28. The Office of the Minister for Equality and Law Reform was established in January 1993. The Minister, of full cabinet rank, had responsibility for putting equality into action through institutional, administrative and legal reform. His remit covered discrimination based on disability, religion, race, colour, nationality, national or ethnic origin, or membership of the Traveller community, as well as other grounds. Following the change of Government in June 1997, the Department of Equality and Law Reform and the Department of Justice were amalgamated and a new department was created with the title "The Department of Justice, Equality and Law Reform".

People with Disabilities (see para. 17 of the initial report)

29. The report of the Commission on the Status of People with Disabilities was published on 18 November 1996. It contained 402 recommendations whose main thrust is to provide access to mainstream services, with support where necessary to provide dedicated services outside the mainstream where access to the mainstream is not feasible, and to promote a generic approach to disability. The Commission estimated that there are 360,000 people (10 per cent of the population) with disabilities in Ireland.

30. Following the publication of the Commission's report, an Interdepartmental Task Force was established, under the auspices of the then Department of Equality and Law Reform (see para. 28 above), to draw up a plan of action on the rights of people with disabilities, based on the report.

31. A Monitoring Committee was established in April 1997 to oversee the implementation of the Commission's recommendations. The Committee is comprised of people with disabilities, their families and carers, organizations representing people with disabilities, service providers, social partners and government departments.

The Council for the Status of People with Disabilities (see para. 18 of the initial report)

32. One of the key recommendations of the Commission on the Status of People with Disabilities was the establishment of a permanent council to represent people with disabilities. On 11 March 1997, the Interim Council, now known as the Irish Council of People with Disabilities was launched by President Mary Robinson. The Council is funded by the

Department of Justice, Equality and Law Reform. It is intended that the Council will be a permanent structure whose primary function will be to act as the national representative body of all people with disabilities. The Permanent Council is expected to be established in 1999.

National Disability Authority

33. On 27 July 1998, the Government gave approval for the legislation necessary for the creation of a National Disability Authority (NDA) to come into effect from 1 January 1999. The legislation will also provide for a range of measures designed, firstly, to effect a move from the health model of disability to the social model and, secondly, to achieve mainstreaming of services to people with disabilities. The NDA will be established as a new statutory body dedicated to research and standards. Its board has been appointed.

Disability Support Service

34. In July 1998, the Minister for Social, Community and Family Affairs announced the establishment of a Disability Support Service, implementing one of the key recommendations of the Commission on the Status of People with Disabilities. The Disability Support Service, which will operate under the aegis of the Department of Social, Community and Family Affairs, will involve a merger between the National Social Service Board and the appropriate information services of the National Rehabilitation Board. This merger will result in the establishment of a new organization, which will provide a single information support service for all citizens. The National Social Service Board supports a nationwide network of Citizens Information Services which provide information and assistance to people in identifying their needs and entitlements. The National Rehabilitation Board also operates a national network of information centres for people with disabilities. Thus, both organizations are ideally placed to form the basis of the new support organization.

Employment of people with disabilities

35. It is government policy to recruit people with disabilities into the Civil Service and arrangements for doing so have been in place for many years. Central to the Government's policy in relation to the employment of people with disabilities is a commitment to achieve a quota of 3 per cent. Statistics are gathered annually by the Department of Finance. The percentage of people with disabilities employed in the Civil Service reached 3 per cent of the total staff numbers in 1993. As of 1 April 1997, when the most recent update took place, staff with a disability accounted for just under 3 per cent of staff in the Civil Service. The statistics as from 1 April 1998 are currently being compiled.

36. The policy in relation to the employment of people with disabilities in the Civil Service is implemented by (a) from time to time holding competitions for people who are registered as having a disability, (b) facilitating people with a disability when competing in open competitions not confined to people with a disability and (c), where possible, retaining staff who become disabled after their recruitment.

37. People with a disability are not restricted to special competitions. It is open to anyone with or without a disability to apply for any open recruitment competition for which they are eligible. When notified in advance of special needs, the Civil Service Commission will make arrangements to facilitate candidates where at all possible.

38. A Code of Practice for the Employment of People with Disabilities in the Civil Service was drawn up and circulated to all civil servants in 1994. The Code of Practice covers issues such as recruitment, reception and integration into the workplace, career development, accommodation, equipment and safety evacuation procedures. The ideas for the Code of Practice were developed in conjunction with the Civil Service unions and the relevant voluntary bodies, and in consultation with staff with disabilities.

Discrimination and Travellers (see para. 19 of the initial report)

39. Local authorities carry out an annual count of Traveller families already in local authority accommodation or on the roadside. The count is carried out in November of each year. The results do not include trader Travellers or Traveller families who have acquired their own accommodation with or without the assistance of local authorities. On 28 November 1997 there were 4,787 Traveller families, of which 3,394 were in local authority accommodation while 1,127 families were living on the roadside. (A copy of the most recent returns is attached.)

Task Force on the Travelling Community (see paras. 22-28 of the initial report)

40. The Minister for Equality and Law Reform established a Task Force on the Travelling Community in July 1993 to advise and report on the needs of Travellers and on government policy generally in relation to the Travelling community. Its mandate covered a range of areas such as accommodation, health, equality, education and training. The report of the Task Force was the first comprehensive review of the needs of the Travelling community since the report of the Travelling People Review Body was published in 1983. The publication of the report came at a time when the needs of Travellers and their relationship with the settled community was the subject of public debate, particularly with regard to the question of accommodation.

41. The report of the Task Force examines and makes recommendations in relation to three principal areas:

> Key issues of relevance to Travellers, including accommodation, access to health services, provision of education and training, economic development and employment, and the coordination of approaches by the relevant statutory agencies whose services have an impact on members of the Travelling community;
>
> The relationship between Travellers and settled people;
>
> The experience of Travellers, with a particular focus on culture and discrimination.

42. As the report of the Task Force concerns a wide range of policies, aspects of which are the responsibility of a number of Ministers, the Government established an inter-departmental working group of officials to consider the implementation of the report, including, in particular, the costs involved in implementation.

43. In March 1996, the Government, having considered the report of the Task Force on the Travelling Community, announced its approval for the introduction of a Government Strategy on Travellers. The Strategy represents a comprehensive and integrated approach to the issues affecting the Travelling community, recognizing for example that, without provision of adequate accommodation, improvements in educational and health provision will be more difficult to undertake. Likewise, following on the introduction of the Government's Strategy, it is envisaged that Travellers will be able to participate more fully in economic development both through the growth of the Traveller economy and greater participation in the mainstream labour force. The mechanism will be put in place to monitor the implementation of the recommendations of the Task Force on the Travelling Community in an active way.

44. The range of measures agreed upon include:

A commitment to strengthen health and education services for Travellers;

The transfer of responsibility for Senior Traveller Training Centres from the Department of Enterprise and Employment to the Department of Education;

A commitment by the Minister of State at the Department of the Environment to implement the five-year National Strategy for Traveller Accommodation, developed from the recommendations on accommodation contained in the Task Force report;

A commitment to put procedures in place whereby local authorities will adopt five-year local Traveller accommodation programmes as part of the "Traveller Accommodation Programme", a coordinated national programme which aims to provide 3,100 units of accommodation for the Travelling community;

The establishment of a consultation process with Travellers at both local and national level;

The establishment of a special unit in the Department of the Environment to monitor the implementation of the National Strategy for Traveller Accommodation.

45. The Department of the Environment and Local Government is responsible for overseeing the implementation of the National Strategy for Traveller Accommodation, which was announced by the Government on 27 March 1996. Significant progress has been made in implementing the National Strategy, as follows:

National Strategy on Traveller Accommodation

Traveller Accommodation Unit

46. A new Traveller Accommodation Unit was established in the Department of the Environment and Local Government in May 1996 to pursue implementation of the National Strategy.

Legislation

47. The Housing (Traveller Accommodation) Act, 1998, was enacted on 13 July 1998. The Act provides a legislative framework within which the accommodation needs of Travellers will be met in a reasonable period of time. The measures provided for in the Act form part of a wider programme to give effect to the Government's commitment in relation to promoting social inclusion generally. The main provisions of the Act:

Require local authorities, in consultation with Travellers, to prepare and adopt, by a date to be specified, five-year programmes to meet the existing and projected accommodation needs of Travellers in their areas;

Allow for public input to the preparation and amendment of such programmes;

Oblige local authorities to take the appropriate steps to secure implementation of programmes;

Establish, on a statutory basis, a National Traveller Accommodation Consultative Committee;

Require local authorities to set up local Traveller accommodation committees on which local authority members, officials and Travellers will be represented;

Amend planning legislation to require planning authorities to include objectives regarding Traveller accommodation in their county/city development plans;

Improve powers for local authorities to deal with unauthorized temporary dwellings where alternative serviced accommodation is available, or within one mile of existing accommodation, regardless of whether alternative accommodation is available;

Apply the powers available to local authorities to deal with anti-social behaviour on housing estates to halting sites.

Consultation with Travellers

48. The National Traveller Accommodation Consultative Group was established on a non-statutory basis in December 1996. The Group includes three representatives of national Traveller organizations, nominees of the Minister for the Environment, the Minister for Equality

and Law Reform, the General Council of County Councils (which represents elected members of county councils), the Association of Municipal Authorities of Ireland (which represents town local authorities) and the City and County Managers Association. The Group has been consulted about a range of issues including:

Revision of guidelines for the design of halting sites;

Proposed schemes for assistance towards management of halting sites;

Proposals for new and amending legislation;

Progress in meeting accommodation needs;

Advice to local authorities on preparation of programmes.

49. A Traveller Health Advisory Committee has been established in the Department of Health and Children. Membership of the Committee, which is chaired by an official of the Department, comprises three Travellers, three representatives of Traveller organizations, three Health Board representatives and three officials of the Department. The functions of the Committee are as follows:

Drawing up a national policy for a health strategy to improve the health status of the Travelling community;

Liaison with Traveller health units in health boards regarding the formulation of national policy;

Ensuring that Traveller health is a priority area within the Department of Health and setting targets against which performance can be measured;

Ensuring coordination and liaison in the implementation of national strategies of relevance to the health status of Travellers;

Ensuring the coordination, collection and collation of data on Travellers' health;

Supporting health boards in developing strategies to improve Traveller access to health services;

Providing a forum for the discussion of health initiatives for Travellers and for ongoing consultation with Travellers and Traveller organizations on health service delivery to Travellers;

In addition, a Traveller health unit, comprised of Travellers and health board officials, has been established in each health board. These structures are designed to give Travellers an input into the formulation and review of policy in relation to Travellers health.

Accommodation programme

50. Funding for the provision of Traveller-specific accommodation has been increased significantly from £6.5 m in 1996 to £11 m in 1998. Pending the enactment of legislation, local authorities have been requested to initiate preparation of five-year programmes and to accelerate their proposals for the provision of accommodation.

Local programmes

51. The Department of the Environment is aware that many local authorities have commenced work on the preparation of draft five-year programmes pending the enactment of legislation. A small number of local consultative committees have also been established. An indication of the increased level of activity in this area is the increase in the capital provision for Traveller-specific accommodation (i.e. group housing and halting sites but excluding standard local authority houses which are funded as part of the normal housing programmes) from £4 m in 1994 to the £11 m allocated in 1998.

Management/maintenance

52. A special provision of £1 m is being provided in 1998 to local authorities to assist with the costs of managing and maintaining halting sites. Local authorities will be encouraged to develop site management initiatives which will involve greater participation of Travellers in the day-to-day management of halting sites.

Voluntary sector

53. The Unit is also working to promote the involvement of the voluntary sector in the provision of accommodation for Travellers. Outline proposals from one organization (Focus Ireland) have been approved.

Appointment of National Accommodation Officer from the Irish Traveller Movement

54. The Department of the Environment is assisting with the costs associated with the appointment by the Irish Traveller Movement of a National Accommodation Officer who took up his appointment in September 1997. His role is to assist in:

Enhancing Traveller and Traveller organization participation on Traveller accommodation committees at local and national level;

Enhancing the development of Traveller participation in new management and maintenance arrangements with regard to Traveller accommodation;

Developing a Traveller perspective on the implementation of the transient sites element of the national accommodation strategy;

Developing a greater understanding among Travellers and Traveller organizations about the range of means (including social housing) by which the accommodation needs of Travellers might be met.

Guidelines for residential caravan parks for Travellers

55. Revised guidelines for residential caravan parks for Travellers were prepared by the Department and issued to local authorities in October 1997. The revised guidelines replace those which were issued to local authorities in 1985. The guidelines relate to caravan sites used for residential purposes on a permanent basis and reflect developments in recent years which have had an impact on the design lay-out and other issues associated with the provision of such sites.

56. The revised guidelines are intended to assist local authorities in providing a reasonable standard of services at a reasonable cost and set out guiding principles on selecting suitable sites, formulating a design brief, making arrangements for site maintenance and management, and meeting fire safety and emergency requirements.

Monitoring Committee on the Implementation of the Recommendations of the Task Force

57. In an effort to provide an ongoing foundation for action to improve the position of Travellers, a Monitoring Committee on the Implementation of the Recommendations of the Task Force on the Travelling Community was established by the Minister for Justice, Equality and Law Reform in March 1998, with the following terms of reference:

To coordinate and monitor the implementation of the recommendations on the report of the Task Force on the Travelling Community which have been accepted by the Government or by the Minister;

To draw up and submit to the Government from time to time, starting in 1999, a progress report on the implementation of the recommendations, including proposals for acceleration or prioritization of implementation of recommendations;

To re-examine recommendations where necessary in the light of changes in government policy and practice and of legislative, demographic, social and economic change;

To serve as a forum for consultation on current issues of national importance affecting the Travelling community.

58. Representatives of government departments, the three main Traveller organizations and each of the four pillars in Partnership 2000[3] are represented on the Committee. The first meeting of the Monitoring Committee took place on 19 June 1998. A progress report on the implementation of the Task Force report will be submitted to the Government in 1999.

Forthcoming anti-discrimination legislation (see para. 55 of the initial report)

59. Two pieces of anti-discrimination legislation, the Employment Equality Bill and the Equal Status Bill, were passed by both Houses of Parliament in the first half of 1997. However,

both were found to be unconstitutional by the Supreme Court on a reference of the Bills to the Court by the President under article 26 of the Constitution. The Bills prohibit discrimination in employment and non-employment areas, as set out in Ireland's initial report, on the grounds of gender, marital status, family status, sexual orientation, religion, age, disability, race, colour, nationality, national or ethnic origin and membership of the Travelling community. The Employment Equality Bill was found unconstitutional on three grounds, two of which relate to technical provisions in the enforcement area. The third ground was that the provisions on reasonable accommodation for persons with a disability infringed the right to private property. The Equal Status Bill had the same technical provisions as the Employment Equality Bill and was therefore referred to the Court subsequent to the referral of the Employment Equality Bill. The Equal Status Bill was accordingly found to be unconstitutional on the grounds of the technical provisions. The Government decided that both Bills should be redrafted with the necessary modifications to comply with the Supreme Court judgements. Consideration is being given to the issue of providing maximum protection for persons with disabilities. The redrafted Employment Equality Bill completed its passage through both Houses of Parliament on 11 June 1998 and was enacted by the President on 18 June 1998. It is envisaged that the implementation of the Act will commence, probably in the first half of 1999, when the equality infrastructure provided for in the legislation has been put in place.

Article 3

Women in public life (see para. 62 of the initial report)

60. Women remain under-represented in public life. In 1998, of the eight judges of the Supreme Court, one was a woman. There were 3 female members of the High Court out of a total complement of 19. There were 7 women among the 46 District Court judges. Two out of the 15 members of the Government were women. Four out of the 17 Junior Ministers were women. Twenty-three out of the 166 members of Dáil Eireann were women. Of the 60 members of the Seanad, 8 were women.

Equal opportunities in the public sector (see paras. 81-83 of the initial report)

61. A survey of equal opportunity in the public sector establishing baseline data on equal opportunities in State-sponsored bodies, health boards and local authorities was published by the Minister for Equality and Law Reform in 1993. All public sector employees were appraised of the contents of the report and were exhorted to accord priority to redressing any inequalities and to promoting equal opportunities policies and practices in their employments. Arising from the survey, a commitment was made in the Programme for Competitiveness and Work, the national agreement between the Government, employers and trade unions in force at that time, that all public sector employers which had not already introduced equal opportunities policies and programmes would be requested to do so before the end of 1994. In this regard, the Minister for Equality and Law Reform wrote to all public sector bodies in late 1993 exhorting them to take appropriate initiatives to ensure that the pattern of inequality, which was identified within the public sector in the survey, was addressed effectively. A survey of equal opportunities in the semi-State sector has been undertaken by the Department of Justice, Equality and Law Reform. The results of the survey should be available for publication early in 1999.

62. The Employment Equality Agency, which was established under the Employment Equality Act, 1977, aims, inter alia, to work towards the elimination of discrimination in employment and to promote equality of opportunity between men and women in relation to employment. The Agency adopts a pro-active role in encouraging both employers and trades unions to adopt equality policies through the provision of guidance, advice and published material. In addition it pursues a policy of pro-active communication with the media, trades unions, employers, community groups and women's organizations through the provision of guidance, advice and published material, particularly its annual report and periodic bulletin "Equality News". It also provides continuous assistance to equal opportunities networks as a means of support to employers in effecting change in their organizations.

63. In 1994, the Employment Equality Agency, with co-funding secured through the European Social Fund NOVA Scheme, undertook a project to promote equal opportunities in employment, involving the participation of social partners in both the public and private sectors. The general aim of the project was to develop appropriate measures as models of best practice for equal opportunities which could be applied to both public and private sector employments. The final reports of both modules were published in September 1996 and the Agency has distributed them in both the public and private sectors with a view to encouraging employers in both sectors to adopt equal opportunities policies and practices.

64. Policy and guidelines on equal opportunities for the Civil Service were drawn up in 1986 and issued to all staff. They provide a statement of basic principles on which the ongoing development of an equality policy is based. A copy of the Policy and Guidelines booklet is given to all new entrants to the Civil Service.

65. The implementation of the equal opportunities policy in the Civil Service is supervised by the Equality Section in the Department of Finance, in close consultation with the Civil Service trade unions. Representatives of both management and staff meet regularly in committee to discuss issues as they arise and to monitor the policy as it develops. The committee produces an annual report which is widely distributed throughout all departments.

66. At the end of 1996 there were just under 30,000 people serving in the Civil Service, of whom slightly less than half (49 per cent) were women. Figures 3.1, 3.2 and 3.3 in Appendix I show the proportion of women in grades at and above Executive Officer (trainee manager) level as of 31 December 1996. While there has been a considerable increase in the number of women at these levels in recent years, women are still under-represented at the higher levels in the Civil Service. Consultants have been engaged to carry out research into the reasons underlying the continuing imbalance.

67. Promotion and recruitment competitions held for appointments in the Civil Service are open to both men and women. Advertisements and circulars announcing external and internal competitions indicate clearly that the Civil Service is committed to a policy of equal opportunity. Members of interview boards convened by the Civil Service Commission are briefed on the Civil Service policy in relation to the conducting of interviews. Statistics relating to the candidature and outcome of recruitment and promotion competitions are analysed by the Department of Finance, in consultation with the Civil Service unions, and are contained in the annual report.

68. Until 1994, a three-day training programme was offered to women in management grade by the Civil Service training body, the Centre for Management and Organisation Development. Participants on this programme had the option of becoming part of a Women's Managers Network on completion of the course. In 1995 it was decided to discontinue the standard training programme and to expand the activities of the Network to encompass training events, presentations by expert speakers and initiatives to promote equality throughout the Civil Service. Membership of the Network was opened to all interested women managers and there are currently over 200 members.

69. The Civil Service provides a number of family-friendly facilities, such as flexi-time, career breaks, job sharing and crèche facilities. Under the career break scheme, which was introduced in 1984, staff may opt for special leave without pay for periods of from six months to five years for a number of reasons, including family responsibilities. As of 31 March 1998, there were 1,068 staff on career breaks. Under the job sharing scheme (which was also introduced in 1984), two members of staff share the duties and responsibilities of one job in return for half the pay and benefits. A person opting for job share must do so for a minimum of one year. As of 31 March 1998, there were 2,554 staff job sharing. Further options in relation to work sharing are currently under discussion with staff representatives.

70. A pilot scheme of term-working was implemented in one government department during the summer of 1998. Under the pilot scheme, a staff member with family responsibilities could opt for a period of unpaid leave over the summer months.

Seminars and conferences (see paras. 91-93 of the initial report)

71. A central theme of the European Union Fourth Action Programme on Equal Opportunities is to promote the integration of equal opportunities for women and men into all aspects of economic and social life. This process is also known as mainstreaming equal opportunities and a conference on mainstreaming, co-funded by the Department of Equality and Law Reform and the European Commission, was held in Dublin Castle in October 1996, during Ireland's presidency of the European Union. The European Commission availed of the occasion of the conference to hold the formal Community launch of the Fourth Action Programme.

72. The European Commission published a European Code of Practice on Equal Pay for Work of Equal Value towards the end of 1996. The Code was formally launched on 25 November 1996 at a seminar held at the European Foundation, Dublin, which the Employment Equality Agency organized jointly with the European Commission. This expert seminar, entitled "Equal pay for work of equal value - implementing the European Commission's Code of Practice" was attended by a national and international audience of employer and trades union representatives and legal experts concerned with equal pay.

73. As part of its promotional activities, the Employment Equality Agency organizes seminars and produces publications, including its periodic newsletter entitled "Equality News".

Article 6

An Bord Iascaigh Mhara[4] (see para. 114 of the initial report)

74. Training courses run by the National Fisheries Training College (NFTC) and the two Bord Iascaigh Mhara mobile Coastal Training Units, as well as courses in the new training centre under construction in Castletownbere, are open to both males and females. Every effort is made by Bord Iascaigh Mhara (BIM) to encourage female participation in the fishing and aquaculture industry through advertising, at career guidance workshops and in BIM training brochures and the BIM promotional training video. In 1997, women accounted for 21 per cent of the total number of people trained by BIM.

75. In 1998, BIM commenced a new training initiative specifically aimed at the wives and family members of small-scale coastal fishermen, who currently make up 65 per cent of the Irish fleet. The programme is funded by the European Commission and provides modules of training in: business and marketing skills, new seafood products, tourism, safety-awareness and fish quality, inter alia. The modules have been designed with women in mind and the objectives of the programme are:

> To increase the level of awareness of best practices in health and safety, fish quality, business and marketing;
>
> To introduce the participants to the very latest in computer and safety technology and to provide the opportunity to acquire training up to certificate level in order to generate a health and safety culture;
>
> To provide women with the skills to identify alternative potential enterprise-related opportunities linked to seafood and tourism;
>
> To empower women, and the families of small-scale fisheries-related enterprises, to participate to a greater extent in community cooperatives and associations.

76. To ensure that these courses are as accessible to women as possible, they will be delivered in the two mobile Coastal Training Units and at local venues and have been widely advertised in the trade press and local papers to reach as wide an audience as possible.

Article 7

Wage-fixing methods (see paras. 130-131 of the initial report)

77. Collective bargaining may take place at a number of different levels of the economy: company or plant, industry or sector, regional or national level. Centralized pay bargaining has been a major feature of Irish industrial relations in the past 25 years. Between 1945 and 1970, pay bargaining took place in a series of wage rounds, the majority of which were negotiated at industry or company level. In 1970, a system of centrally negotiated National Wages

Agreements, involving the Government in its capacity as an employer, was embarked on and continued in one form or another until 1982. Between 1982 and 1987, negotiations on pay reverted to enterprise and sectoral level in a number of decentralized pay rounds.

78. In 1987, the Government entered into discussions with the social partners on a national programme to deal mainly with a situation of high levels of unemployment and emigration. These discussions resulted in the adoption towards the end of 1987 of a Programme for National Recovery (PNR), covering pay as well as a broad range of economic and social policy matters for the three-year period, 1988-1990. The PNR was succeeded by three similar three-year programmes incorporating pay agreements: the Programme for Economic and Social Progress (1991 to 1993), the Programme for Competitiveness and Work (1994 to 1996) and Partnership 2000 for Inclusion, Employment and Competitiveness (1997 to 1999).[5]

79. In December 1996, a new national programme, Partnership 2000, was successfully concluded between the Government, trade unions, employers, farming and business groups, and community and voluntary groups. Partnership 2000 puts in place a stabilizing framework which will ensure greater competitiveness, economic progress, growth in jobs and the equitable distribution of the benefits of growth.

Dispute settling services (see para. 132 of the initial report)

80. The majority of employees have access to the dispute settling agencies but many public service employees such as civil servants and teachers are excluded. These employees are catered for instead by conciliation and arbitration schemes, through which their pay and conditions of employment are negotiated. The health workers and the local authority employees, who were excluded, were brought within the scope of the dispute settling agencies in August 1998.

Minimum wage-fixing (see paras. 136-139 of the initial report)

81. Ireland does not have any general minimum wage legislation. However, a report by the National Minimum Wage Commission published in April 1998 recommended the introduction of a single national hourly wage of two thirds of the median industrial wage for all adults with effect from 1 April 2000. The Government has accepted the report in principle and an implementation plan is being prepared in consultation with the social partners.

82. Statutory minimum wage rates are only fixed for some categories of workers, chiefly through Joint Labour Committees (JLCs) established by the Labour Court under the Industrial Relations Acts. These Committees operate in areas where collective bargaining is not well established and wages tend to be low. A JLC may be set up where workers and employers agree on its need, or where the existing framework for the regulation of pay and working conditions is seen as inadequate. An application for the setting up of a JLC may be made to the Labour Court by the Minister for Enterprise and Employment, a trade union or any organization claiming to represent the workers or employers concerned.

83. A JLC consists of equal numbers of employer and worker representatives appointed by the Labour Court and an independent chairman appointed by the Minister for Enterprise and Employment. The function of a JLC is to draw up proposals for an employment regulation order (ERO), which lays down legally binding minimum rates of pay and conditions of employment for the workers covered. The JLC submits its proposals to the Labour Court, which makes the order. Once in force, an ERO overrides any inferior terms in the contract of the workers covered by it but does not preclude improved terms being secured through collective bargaining. Employment regulation orders are enforced by the Labour Inspectorate, which has the power to enter premises, inspect records, collect arrears of wages and, if necessary, institute legal proceedings against an employer who is in breach of an ERO. The minimum wage rates in EROs are adjusted periodically - usually annually - in line with the general trend in wages. At present, there are 17 Joint Labour Committees covering, for example, workers in agriculture, retail grocery, clothing manufacture, hotels and restaurants, hairdressing, contract cleaning and law firms. In all, about 12 per cent of employees are covered.

Equal pay (see paras. 140-142 of the initial report)

84. An employee in a dispute with an employer arising from a claim to equal pay may refer her/his case to an equality officer of the Labour Relations Commission for investigation. Recommendations by equality officers may be appealed to the Labour Court or, on a point of law, to the High Court. Details of the number of cases referred to equality officers under the Anti-Discrimination (Pay) Act, 1974, are set out in Appendix 1 (revised figure 7.1).

85. In February 1994, the Economic and Social Research Institute published a study on male/female wage differentials which was jointly commissioned by the Department of Equality and Law Reform and the Employment Equality Agency. The study broadened the comparison between male and female wages beyond the manufacturing area, which had been the traditional focus of pay differential analysis and which covers only one third of all workers and only one fifth of all female workers. Taking into account all sectors, women's earnings were found to be 80 per cent of men's. Half of the 20 per cent wage gap is explained in the study by differences in productivity-related factors such as experience. The unexplained gap of 10 per cent reflects a lack of knowledge on the impact of wage determination processes and probably, to some extent, the effect of discrimination. Women with children or other dependants were less likely to be in employment and their absence for these dependent breaks was identified as a significant factor in reducing their work experience and, hence, their earnings on return.

86. A commitment has been made in Partnership 2000,[6] that a follow-up study will be undertaken during its period of operation. This study will, inter alia examine further the reasons underlying the wage differential in Ireland and will undertake comparisons with other EU countries, seeking to identify factors contributing to national differences in wage differentials. Work has commenced on this follow-up study and it is hoped that it will be available for publication in the autumn of 1999.

Article 8

The Industrial Relations Act, 1990 (see paras. 159-167 of the initial report)

87. The enactment of the Industrial Relations Act, 1990, represented the most significant development in trade dispute law in Ireland since the 1906 Act. The broad purpose of the Act is to put in place an improved framework for the conduct of industrial relations and the resolution of disputes. The Act covers both trade union and industrial relations law. The system of immunities provided by the 1906 Act has been maintained by the 1990 Act with a number of amendments. The main changes made by the Act in the area of industrial dispute law are:

The Act removes an anomaly whereby organizing a strike was protected but threatening to organize or take part in one appeared not to be;

In the case of disputes involving just one worker, the immunities now only apply where agreed procedures for the resolution of individual grievances, if they exist, have been fully utilized;

The immunities no longer apply to "worker versus worker" disputes;

The Act requires trade unions to have a provision in their rule books for the holding of secret ballots before engaging in or supporting a strike or any other kind of industrial action. Industrial action taken contrary to the outcome of a secret ballot is not covered by the immunities;

The immunities in respect of peaceful picketing are now confined to picketing at the employer's place of business or, where that is not practicable, at the approaches to that place. The Act also provides that secondary picketing (i.e. picketing of an employer other than the employer directly involved in the dispute) is lawful only in situations where workers have reason to believe that the second employer is assisting their employer in such a way as to frustrate a strike or other industrial action;

The Act also restricts the circumstances where an employer can obtain an injunction in the courts, particularly an ex-parte injunction, restraining industrial action by a trade union, provided that a secret ballot favouring the industrial action has been held and the employer has been given at least one week's notice of the action.

88. The 1990 Act confines most of the immunities to trade unions holding negotiation licences and the members and officials of such unions. A similar situation applied prior to the Act coming into force.

Number and structure of trade unions (see paras. 168-170 of the initial report)

89. Trade unions in Ireland can be loosely grouped into four broad categories: craft unions, which cater for skilled workers; general unions, which take workers into membership regardless of skill or industry; "white-collar" unions, which cater for professional, managerial, supervisory, technical or clerical grades; and industrial unions, which only recruit workers from a

particular sector. Pure industrial unions, catering for all the workers in a particular industry, are not a feature of the Irish trade union structure. The Irish labour force is extensively unionized. At the end of 1996, there were 56 trade unions in the Republic of Ireland with total membership of almost 541,000 representing about 48 per cent of the employee workforce. Of these, 47 unions representing 534,000 members (98.8 per cent of the total) were affiliated to the Irish Congress of Trade Unions. Nine of the 56 unions were British based and they accounted for 12 per cent of total membership.

90. The number of unions in Ireland has declined significantly in the past 25 years, largely as a result of rationalization - from 95 in 1970 to 86 in 1980, 67 in 1990 and a current figure of 55. The State, with the support of the trade union movement, has sought to promote union rationalization by helping unions defray the costs they incur in mergers and by simplifying merger procedures. The Trade Union Act, 1975, was enacted for this purpose.

91. Employer associations which engage in negotiations on pay or other conditions of employment must, like trade unions, hold negotiation licences. There were 11 licensed employer associations in Ireland with close to 10,000 members at the end of 1996. The largest of these, the Irish Business and Employers Confederation, had 3,300 members, drawn nationally from a broad range of firms in industry and services.

Article 9

Social community scheme (see para. 187 of the initial report)

92. The social insurance schemes are financed from contributions collected from the employers and employees and paid into the Social Insurance Fund. The deficit between outgoings and contributions is met by a subvention from the State. The employee's share of the contribution, which is 4.5 per cent is paid on a ceiling of £24,000 per year. The first £100 of weekly earnings is excluded from the percentage payable. The employer's share is 8.5 per cent on weekly earnings up to £270. Where weekly earnings are in excess of £270, the percentage payable by the employer is 12 per cent up to a ceiling of £29,000 per year. Entitlement to social insurance benefit is determined by reference to the claimant's contribution record.

Medical care (see para. 190 of the initial report)

93. Qualified persons are required to pay part of the cost of treatment or appliances. In order to qualify for treatment benefit, the following contribution conditions must be satisfied:

> If aged under 21, 39 weeks PRSI (Pay Related Social Insurance) contributions must have been paid since first starting work and the income in the relevant tax year (which for a claim made in 1996 is 6/4/94 to 5/4/95) must be below a fixed amount;
>
> If aged 21 to 24, 39 weeks PRSI contributions must have been paid since first starting work and 39 weeks PRSI contributions paid or credited in the relevant tax year (of which a minimum of 13 weeks must be paid contributions) and the income in the relevant tax year must be below a fixed amount;

If aged 25 to 65, 260 weeks PRSI contributions must have been paid since first starting work and 39 weeks PRSI contributions paid or credited in the relevant tax year (of which a minimum of 13 weeks must be paid contributions) and the income in the relevant tax year must be below a fixed amount;

If aged over 66, 260 weeks PRSI contributions must have been paid since first starting work and 39 weeks PRSI contributions paid or credited in either of the last two tax years before reaching age 66 (of which a minimum of 13 weeks must be paid contributions) and the income in the relevant tax year must be below a fixed amount.

Note that persons who satisfy the PRSI conditions when they reach age 60 remain qualified for life.

Disability benefit (see paras. 193-194 of the initial report)

94. The main change in disability benefit relates to the rate of payment. The current personal rate is £67.50 with a qualified adult allowance of £40.00 and £13.20 for each child dependant. The personal rate will increase to £70.50 from June 1998 with the qualified adult allowance increasing to £41.20.

Maternity benefit (see paras. 195-196 of the initial report)

95. There was a significant change in the coverage of maternity benefit when the Social Welfare Act, 1997, extended the benefit to self-employed women on a similar basis to employees from June 1997. While the rate and duration of payment are the same in both instances, different contribution conditions apply. Self-employed women are required to have 52 paid contributions in the relevant tax years as opposed to 39 in the case of employees. This reflects the fact that they pay PRSI on an annual basis as opposed to a weekly basis for employees. Other changes in the scheme relate to the level of the rate of payment, which currently stands at £82.30, increasing to £83.70 from June 1998.

Health and safety benefit (see paras. 197-198 of the initial report)

96. The only change in the health and safety benefit relates to the rate of payment. The current personal rate is £67.50 with a qualified adult allowance of £40.00 and £13.20 for each child dependant. The personal rate will increase to £70.50 from June 1998 with the qualified adult allowance increasing to £41.20.

Adoptive benefit (see paras. 191-201 of the initial report)

97. As in the case of the maternity benefit, cover for the adoptive benefit was extended to self-employed women on a similar basis to employees from June 1997. Self-employed women, however, are required to have 52 paid PRSI contributions in the relevant tax years as opposed to 39 in the case of employees. Other changes in the scheme relate to the level of the minimum rate of payment, which currently stands at £82.30, increasing to £83.70 from June 1998.

Retirement pension (see para. 204 of the initial report)

98. The maximum personal rate of the retirement pension is £78 per week, increasing to £83.00 from June 1998. The weekly supplement for an adult dependant aged under 66 is £51, increasing to £52.50 from June 1998. The weekly supplement for an adult dependant aged over 66 is £55.40, increasing to £56.90 from June 1998.

Old age contributory pension (see para. 206 of the initial report)

99. The maximum personal rate of the old age contributory pension is £78 per week, increasing to £83.00 from June 1998. The weekly supplement for an adult dependant under 66 is £51, increasing to £52.50 from June 1998. The weekly supplement for an adult dependant aged over 66 is £55.40, increasing to £56.90 from June 1998. See also paragraph 118.

Invalidity benefits (see para. 208 of the initial report)

100. The personal rate of the invalidity pension is currently £69.20 per week for people aged under 65 and £78.00 for those aged 65 and over. These rates will increase to £72.20 and £83.00 respectively in June 1998. There are additional allowances of £45.10 for a qualified adult and £15.20 for a dependent child. The qualified adult allowance will increase to £46.50 from June 1998.

Survivors' benefits (see para. 211 of the initial report)

101. The only change to the widows'/widower's contributory pension is an increase in the rates payable. The personal rate is, at present, £71.10, increasing to £74.10 in June 1998.

Occupational injury benefit (see para. 214 of the initial report)

102. The main change in the injury benefit relates to the increase in the rates of payment. The personal rate is currently £67.50 per week and will increase to £70.50 from June 1998. An allowance of £40.00 is payable for a qualified adult, increasing to £41.20 from June 1998. There is an allowance of £13.20 for a dependant child.

Disablement benefit (see para. 215 of the initial report)

103. The main change in the disablement benefit relates to the increase in the rates of payment. The maximum weekly personal rate of benefit is currently £91.20, increasing to £94.20 from June 1998. The lump sum which is payable to those whose disablement is assessed at between 1 and 19 per cent is, at present, subject to a maximum of £6,380.

Unemployability supplement (see para. 216 of the initial report)

104. The main change in the unemployability supplement relates to the increase in the rates of payment. The personal rate is currently £67.50 per week and will increase to £70.50 from June 1998. An allowance of £40.00 is payable for a qualified adult, increasing to £41.20 from June 1998. There is an allowance of £13.20 for a dependant child.

Constant attendance allowance (see para. 217 of the initial report)

105. The constant attendance allowance is payable to those who are getting at least 50 per cent disablement benefit, and who need someone to help with their personal needs. The standard rate payable in respect of 100 per cent disablement is £38.80, increasing to £74.60 in exceptionally severe cases. These rates will increase to £39.60 and £77.60 respectively from June 1998.

Unemployment benefit (see para. 220 of the initial report)

106. The only change here is in relation to the rates payable. The personal rate of the unemployment benefit is currently £67.50, increasing to £70.50 in June 1998. The increase for an adult dependent increases from £40.00 to £41.20 in June 1998.

Deserted wife's benefit (see para. 221 of the initial report)

107. Again, changes here refer to the rates payable. The maximum personal rate payable is currently £71.10, increasing to £74.10 from June 1998.

Social assistance payments (see para. 226 of the initial report)

108. The widower's non-contributory pension and the one parent family allowance have been added to the list of main social assistance payments.

Unemployment assistance (see para. 227 of the initial report)

109. The only change here relates to rates. The short-term weekly rate of assistance is currently £65.40, increasing to £68.40 in June 1998. An increase of £40.00 per week is currently payable for an adult dependant - increasing to £41.20 in June 1998.

Pre-retirement allowance (see para. 228 of the initial report)

110. The maximum personal rate is currently £67.50 per week, increasing to £70.50 in June 1998. An increase of £40.00 is payable weekly for an adult dependant, increasing to £41.20 in June 1998.

Old age (non-contributory) pension (see para. 229 of the initial report)

111. The maximum personal rate is currently £67.50 per week, increasing to £72.50 in June 1998.

Widows non-contributory pension (see para. 230 of the initial report)

112. The maximum personal rate is currently £67.50, increasing to £70.50 in June 1998.

Family benefits: one parent family payment (see para. 231 of the initial report)

113. As indicated in the initial report (paras. 325 and 369), a new one parent family payment was introduced in January 1997, replacing the existing lone parent's allowance and incorporating the deserted wife's benefit or allowance and prisoner's wife's allowance schemes for new claimants. Recipients of these latter schemes were transferred onto the new payment where it proved advantageous for them. Designed to facilitate one parent families who wish to enter or return to the workforce, recipients can earn up to £6,000 a year and retain the full payment. Where earnings are between £6,000 and £12,000 per annum, a reduced payment is made. The new payment applies regardless of whether a person is unmarried, separated or divorced.

Family income supplement (see para. 232 of the initial report)

114. The income thresholds for entitlement to the family income supplement were increased by £10 from June 1997 and a further £7 at each point from June 1998. In addition, entitlement to this payment is, at present, determined on the basis of gross income less any social insurance (PRSI) contributions and levies payable. From October 1998, the calculation of the supplement will be changed to a net income basis.

Carer's allowance (see para. 233 of the initial report)

115. The current maximum personal rate is £70.50 per week, increasing to £73.50 in June 1998. In addition, there have also been several improvements to the scheme: an additional 50 per cent payment is made where a person is caring for more than one person; the condition of "full-time care and attention" has been relaxed to enable the allowance to continue where the care recipient is attending a recognized rehabilitative course or day-care centre; improvements in the eligibility conditions for the free telephone rental allowance while, from October 1998, all recipients of the carer's allowance will be entitled to a free travel pass in their own right.

Orphan's non-contributory pension (see para. 234 of the initial report)

116. The maximum weekly rate is currently £45.60, increasing to £48.60 in June 1998.

Disability allowance (formerly Disabled person's maintenance allowance) (see para. 235 of the initial report)

117. Responsibility for the administration of the disabled person's maintenance allowance (DPMA) scheme was transferred from the Health Boards to the Department of Social, Community and Family Affairs in October 1996, and it now forms part of the social security system. At the same time as the scheme was transferred, it was also renamed disability allowance.

118. Disability allowance is a weekly allowance paid subject to a means test to those who, due to a specified disability, are substantially disadvantaged in undertaking suitable employment and who do not qualify for a contributory payment. The current maximum personal rate is £67.50, increasing to £70.50 from June 1998. There is an allowance of £40.00 for a qualified adult, increasing to £41.20 from June 1998, and a child dependant allowance of £13.20.

Blind person's pension (see para. 236 of the initial report)

119. The main change in the blind person's pension relates to the rate of payment. The current personal rate is £67.50 with a qualified adult allowance of £40.00 and £13.20 for each child dependant. The personal rate will increase to £70.50 from June 1998 with the qualified adult allowance increasing to £41.20.

Universal schemes: child benefit (see para. 238 of the initial report)

120. The main change here is again in relation to the rates of payment. The 1997 level of monthly payment was £30.00 for the first two children and £39.00 for the third and subsequent child. From September 1998, these will increase to £31.50 and £42.00 respectively. Also, effective from September 1998, a new payment of 150 per cent of the normal child benefit rate for twins will be provided (with an estimated 12,500 sets of twins benefiting) while the grants payable on the birth of three or more children will be increased to bring them into line with the existing arrangements for twins.

Expenditure on social welfare (see paras. 239-242 of the initial report)

121. The expenditure figures for 1996 and 1997, together with the numbers of recipients and beneficiaries of the various social welfare schemes, are outlined in figures 9.1 to 9.6. The figures for these tables were taken from the 1997 issue of "Statistical Information on Social Welfare Services".

122. As figure 9.1 shows, total social welfare expenditure in 1996 amounted to £4,377 m. This figure rose to £4,524 m in 1997. Social welfare expenditure as a percentage of current government expenditure remained relatively static, moving from 28.5 per cent (1996) to 26.7 per cent (1997). Similarly, social welfare expenditure as a percentage of GNP remained relatively static, dropping from 12.0 per cent (1996) to 11.2 per cent (1997).

123. One of the most obvious reasons for the increase in expenditure is, naturally, the increase in the rates of payment during 1996 and 1997.

Changes/developments (see paras. 243 and following of the initial report)

General

124. In July 1997, following the election of a new Government, the name of the relevant Department was changed from "Social Welfare" to "Social, Community and Family Affairs" to better reflect its increased remit. Additional responsibilities assumed included responsibility for marriage support services, family mediation services and progressing other issues, in particular, initiatives in the community for children arising from the final report of the Commission on the Family.

Old age payments (see para. 243 of the initial report)

125. To further progress equity in the social welfare system between men and women, a new widower's non-contributory pension was introduced in October 1997, available to those who satisfy a means test. The following month saw the introduction of a new pro-rata old age (contributory) pension, extending pension entitlement to people whose yearly average of contributions was previously insufficient to qualify. This measure will be of benefit to:

Women who may have spent long periods outside the paid workforce working in the home and who may not benefit from the homemaker provisions;

Returned emigrants who entered the Irish workforce for a short period before working abroad for a longer time and who then returned to employment in Ireland again;

People who entered social insurance at an early stage and then entered self-employment in 1988 when social insurance for the self-employed was introduced.

126. The final report of the National Pensions Board (1993) recommended that actuarial reviews of the projected costs of social welfare pensions be carried out at least every five years. The first such review was completed in June 1997 and covered the 60-year period from 1996 to 2056. This review, which was carried out by the Irish Pensions Trust on behalf of the Minister for Social, Community and Family Affairs, sets out the future costs and financing implications under different scenarios and assumptions concerning population and labour force trends and economic growth. Some of the key findings were:

An analysis of the value for money provided by the contributory social welfare system from the contributors' perspective. The review found that the system represents good value - particularly for those who are married and the lower paid;

Significantly, the number of people over 65 will increase - representing 11 per cent of the population in 1996, this sector is projected to increase to 19 per cent in 2026 and 27 per cent by 2056;

Exchequer funds now comprise 33 per cent of the yearly social welfare pensions bill. The State paid £1.8 billion in these pensions in 1996, with £1.2 billion received from social insurance contributions;

Based on the projections in this report, the social welfare pensions shortfall would be £813 million in 60 years' time, if pensions were increased in line with prices.

127. The findings of this review fed into the National Pensions Policy Initiative which was launched in May 1998. This detailed report by the Pensions Board on future pensions provision contains recommendations involving the development of strong first pillar social welfare pensions, based on social insurance, and major improvements in second pillar (occupational and personal) pensions, with the ultimate objective of ensuring that 70 per cent of those at work over the age of 30 have second pillar cover.

Illness payments (see para. 244 of the initial report)

128. As indicated in paragraph 117, responsibility for the administration of the disabled person's maintenance allowance (DPMA) scheme was transferred from the Health Boards to the Department of Social, Community and Family Affairs in October 1996 and renamed disability allowance.

129. In 1997, approximately 131,000 people were in receipt of an illness or disability payment as compared with approximately 127,000 in 1996. This increase of 4,000 (3 per cent) is accounted for principally by an increase of over 6,000 (17 per cent) in the number of people receiving the disability allowance. This increase arises from a number of factors, including improvements which have been made in the disability allowance and a greater degree of consistency in the administration of the scheme following its transfer. The number of people in receipt of the invalidity pension has increased by almost 600 (1.4 per cent), continuing the gradual upward movement in the numbers of people qualifying for this payment. The number of people in receipt of disability benefit, occupational injuries benefit and blind person's pension has decreased slightly.

130. Over the past 10 years there has been an increase of about 2,000 (2 per cent) in the overall number of people who are ill and people with disabilities who are in receipt of an income support payment, i.e. from 129,000 in 1987 to 131,000 in 1997. However, there has been a considerable shift in the composition of these figures, with the number of people claiming disability benefit having fallen substantially (by 44 per cent) from 72,000 in 1987 to 40,000 in 1997, while the numbers in receipt of long-term illness and disability payments (i.e. invalidity pension, disability allowance and blind person's pension) have increased significantly from 55,000 in 1987 to 89,000 in 1997, that is by 62 per cent.

Maternity and adoptive payments (see paras. 319 and 329 of the initial report)

131. The Social Welfare Act, 1997, provided for the extension of maternity and adoptive benefits to the self-employed on a similar basis to employed contributors. The main difference relates to the different contribution conditions which apply to the self-employed. Self-employed women are required to have 52 paid contributions in the relevant tax year as opposed to 39 in the case of employees. This reflects the fact that the self-employed pay PRSI on an annual basis whereas employees pay on a weekly basis. Following this extension of maternity and adoptive payments, the only categories now excluded from these benefits are women working in the home and certain office holders.

Family supports (see paras. 245-247 of the initial report)

132. See paragraph 124 above. The 1998 Budget provided for substantial additional resources amounting to £2¼ million for the development of family services in the Department of Social, Community and Family Affairs, including:

£700,000 for a network of family and community services resource centres (25 in 1998);

An extra £600,000 for marriage counselling services, bringing the total provision in 1998 to £1½ million;

An extra £600,000 for the Family Mediation Service to assist with the establishment of additional centres and support the development of a national service.

133. A new Family Affairs Unit was established in the Department to coordinate family policy, to pursue the findings of the final report of the Commission on the Family following their consideration by the Government, to undertake research and promote awareness about family issues (see para. 375 of the initial report). The Unit has responsibility for a number of family services, including support for the marriage and child counselling services, the Family Mediation Service, a pilot programme in relation to building on the one-stop-shop concept in the local offices of the Department with the aim of providing improved support at local level, and an information programme on parenting issues.

Unemployment payments (see para. 248 of the initial report)

134. In April 1997, the conditions for requalifying for unemployment benefit were eased, assisting, in particular, casual and part-time workers. Since 1992, workers who had exhausted their entitlement to unemployment benefit were precluded from requalifying for this payment until they had a further 13 social insurance contributions paid. The new measure means that the 13 weeks of pay-related social insurance contributions can be paid at any time after the 156th day of unemployment, rather than the 390th day.

135. In a pro-employment measure, the number of places available under the back to work allowance was increased to 27,000 in January 1998. Of these, 20 per cent of the new placements were earmarked for people on the disability allowance. (The back to work allowance enables qualified people to retain 75 per cent of their social welfare payment for the first year, 50 per cent for the second year and 25 per cent for the third year). An independent evaluation of the scheme, carried out by social and economic consultants in November 1997, found that in the case of the self-employed, the post scheme survival rate was estimated at over 60 per cent.

New schemes (see para. 249 of the initial report)

136. As indicated above, a number of new social welfare schemes were introduced in the period under review: the one parent family payment, the widower's non-contributory pension and the disability allowance.

Supplementation (see para. 250 of the initial report)

137. Formal (public) social security schemes may be supplemented by informal (private) arrangements. The arrangements relate to occupational pension schemes which are governed by the provisions of the Pensions Act, 1990. The Pensions Board was set up by the then Minister for Social Welfare (now Social, Community and Family Affairs) under the terms of the Pensions Act to oversee its operation.

Occupational benefit schemes (see para. 251 of the initial report)

138. Many schemes are subject to trust law, though not all.

Legal provisions (see para. 255 of the initial report)

139. There has been a change in one of the provisions made for the regulation of occupational benefit schemes. The schemes are now required to comply with the principle of equal treatment, as opposed to meeting "defined equality (gender) standards", as was previously the case.

Equity in the social welfare system (see paras. 260 and following of the initial report)

140. A new widowers (non-contributory) pension was introduced in October 1997. The pension is payable to widowers who satisfy a means-test and gives widowers the same non-contributory pension entitlements as widows. The maximum rate of payment is £70.50 for persons aged under 66 years, and £77.50 for persons aged over 80 years. Widowers with dependent children are eligible to apply for the one parent family payment. The introduction of this payment completes the process of implementing equal treatment for men and women in all areas of social welfare.

141. The European Communities (Occupational Benefit Schemes) Regulations, 1997 (S.I. No. 286/97) were introduced on 1 July 1997. These regulations give effect to Council Directive 96/97/EC of 20 December 1996 amending Council Directive 86/378/EEC on the implementation of equal treatment between men and women in occupational social security schemes.

142. The amendments provided for are designed, on the grounds of legal certainty, to adapt the provisions of the original 1986 Directive to ensure consistency with article 119 of the Treaty of Rome, as interpreted by the European Court of Justice in the Barber and related judgements. Article 119 provides that men and women doing like work shall receive equal pay. The European Court of Justice ruled that "pay" for the purposes of article 119 includes occupational social security benefits. With certain exceptions, the new provisions have retrospective application to 17 May 1990, i.e. the date of the European Court of Justice ruling in the Barber case.

Article 10

The meaning of family: Commission on the Family (see para. 271 of the initial report)

143. The Commission on the Family produced its interim report in November 1996 and its final report in May 1998. The report presents the main findings of the Commission and its recommendations in terms of desirable outcomes for families, acknowledging the central importance of the contribution of families in providing stability and well-being in society.

144. The report also contains a comprehensive analysis of issues affecting families, as well as some significant research work, including a national survey on childcare arrangements, sociological research on the position of fathers and their role in family life and an overview of family policy in Ireland.

Additional legislative protections for the family (see para. 297 of the initial report)

145. The Domestic Violence Act, 1996, repealed and re-enacted with amendments the 1981 Act. The main features of the Act are as follows:

(a) The Act empowers the courts to grant a barring order against a respondent who is a spouse, cohabitant or adult child of the applicant, subject to conditions;

(b) Barring orders will be available on an interim ex-parte basis in situations of extreme emergency, subject to conditions;

(c) The Act empowers the courts to grant a new-type safety order which is in effect a long-term protection order available to or against all members of a household. It may be sought as a remedy in its own right and not as an interim-type order pending the making of a barring order;

(d) Regional Health Boards have, subject to conditions, new powers to apply for orders on behalf of traumatized victims of domestic violence;

(e) The police have strengthened powers to arrest without warrant in cases of domestic violence. In addition to their existing powers of arrest without warrant for breaches of orders, they are entitled to enter a household to effect an arrest for such breaches or where there is an assault or such assaulted is suspected. The Family Law (Divorce) Act, 1996, which came into force on 27 February 1997, extended the classes of persons covered by the Act to include divorced ex-spouses.

Expert Working Group on Childcare

146. The Expert Working Group on Childcare was established in July 1997, as agreed in Partnership 2000 - the Programme for Inclusion, Employment and Competitiveness. The purpose of the Group is to devise a national framework for the development of quality childcare facilities which integrates the different strands of the current arrangement for the development and delivery of childcare and early educational services. Childcare in this instance refers to children from birth to 12 years of age.

147. The membership of the Expert Working Group is broad based and comprises representatives from relevant government departments, statutory bodies, non-governmental organizations and individuals with an interest in childcare. The Group will produce a final report on its recommendations in December 1998, supported by research on the economics of childcare in Ireland.

Physical chastisement of pupils

148. Section 24 of the Non-Fatal Offences against the Person Act, 1997, abolished the common law rule under which teachers were immune from criminal liability for physical chastisement of pupils.

Children Bill, 1996

149. In December 1996, the Government published the Children Bill, 1996. The Bill deals predominantly with juvenile justice matters. It provides the statutory framework within which a new juvenile justice system can be created and developed. Its main provisions are:

The age of criminal responsibility is being raised from 7 years to 10 years, with provision for regular reviews until it is possible to raise it in further stages to 12 years;

The legislation applies to all child offenders between the age of criminal responsibility for the time being and 18 years;

No child (i.e. person under 18 years) can be sentenced to imprisonment;

Detention of children by the courts on being found guilty of an offence will be a last resort;

Children under 16 years of age who are sentenced to detention will be detained in child detention schools for which the Department of Education will have ultimate responsibility. These schools will be primarily educational in nature and will provide therapeutic facilities for child offenders with special problems;

The Minister for Justice will provide detention facilities for 16 and 17-year-old offenders in places where it is intended that they be kept separate from older prisoners;

The diversion programme operated by the Garda Síochána will be placed on a statutory basis and in suitable cases will involve a family conference on the child. The diversion programme is an alternative to charging a child with an offence;

Parents of a child offender will be encouraged to be involved at every stage when their child commits an offence and will be obliged to attend any proceedings, unless excused by the judge;

A Children Court will be established to deal with all matters relating to children. Judges who sit on the Children Court will be designated for that purpose by the President of the District Court;

When a child is found guilty of committing an offence, in most cases the judge must request the preparation of at least one professionally prepared report, which will assist him or her in arriving at the most suitable decision for the child.

150. The Bill provides the courts with a wide range of community sanctions that they can impose on child offenders.

Child Trafficking and Pornography Act, 1998

151. The Child Trafficking and Pornography Act, 1998 strengthens the law relating to the protection of children against sexual exploitation by targeting two manifestations of such exploitation, namely child trafficking and child pornography.

Prison accommodation for female offenders (see paras. 354-355 of the initial report)

152. A new stand-alone, purpose-designed, closed prison to accommodate 80 female offenders is to be constructed on a site immediately outside the perimeter wall of Mountjoy Prison. This will replace the existing female prison at Mountjoy. Construction commenced in April 1997 and is due for completion in December 1998. Planning has commenced on the replacement of a wing in Limerick prison. This proposed wing will contain a unit for female offenders. This new prison will provide a full range of facilities for personal development, education, training, medical, counselling, visiting and a range of indoor and outdoor recreation activities. Provision is being made for the separation of offender groupings based on the particular needs of those different groupings.

(a) Protection of young persons: children in situations of exploitation

Drug misuse - nature and extent of the problem (see paras. 394-403 of the initial report)

153. Drug misuse occurs when any drug (legal or illegal) is harmful, or potentially harmful to the physical, mental or social well-being of an individual, group or society. Drug misuse in Ireland takes two forms:

Heroin abuse, which is confined mainly to the greater Dublin area;

The misuse of other drugs, including the so-called "soft drugs" such as cannabis and ecstasy. Included also in this group would be amphetamines, tranquillisers, LSD, inhalants/solvents and "magic mushrooms".

154. In July 1996, the Government established a Ministerial Task Force to review the existing arrangements for a coordinated approach to reducing the demand for drugs and, in the light of that review, to identify for governmental action any changes or additional measures needed to provide a more effective response to the problem. The Ministerial Task Force comprised seven Ministers of State with responsibilities for a range of relevant areas, including health, education, social welfare, justice, the environment and youth affairs.

155. The Ministerial Task Force produced two reports. The initial report focused on the problem of heroin abuse, which is confined primarily to disadvantaged communities in Dublin. Arising from recommendations in the report, the following structures were set up to deliver a more coordinated and targeted response to the drug problem:

A Cabinet Drugs Committee, chaired by the Taoiseach and comprising relevant Ministers, was established to give political leadership in the overall fight against drugs, review progress in the Government's strategy to tackle the drug problem and resolve any policy or organizational difficulties which would inhibit an effective response. This Committee was later reconstituted as the Cabinet Committee on Social Inclusion and Drugs, with enhanced ministerial representation, to reflect the Government's intention to tackle the problem of drug abuse as a symptom of wider social and economic exclusion;

A National Drugs Strategy Team, comprising representatives from relevant government departments and statutory agencies, along with two persons from the voluntary and community sectors, was established and mandated to ensure the effective implementation of the Government's strategy to reduce drugs demand;

Local drugs task forces were set up in 13 areas (12 in Dublin) identified as having the most acute drugs problem. The task forces form a tripartite partnership between the statutory, voluntary and community sectors in tackling the problem of drug abuse. The statutory sector comprises representatives of the Health Board, Gardaí, local authority, FÁS, Probation and Welfare Service and Youth Service.

156. The task forces were mandated to profile the nature and extent of the drug problem, identify any gaps or duplication in the support services, develop strategies to address these gaps and target services more effectively. An amount of £10 million was set aside to support the implementation of the task force plans.

157. The strategic plans submitted by the task forces attempted to: (a) build on or add value to existing programmes and services run by the statutory agencies, (b) assist community-based projects by providing them with resources to develop and expand their services and (c) pilot new or innovative ways to tackle the drug problem with a view to mainstreaming the successful models.

158. The initial report contained a range of other proposals to tackle the drug problem including: the introduction of a range of measures in relation to the treatment of heroin misusers, the enhancement of rehabilitation opportunities available to heroin misusers who have stabilized, introduction of a series of education/awareness measures to complement and build on existing prevention strategies, and the establishment of an estate improvement programme to assist local authorities in tackling environmental and related problems in severely run-down housing estates and flat complexes where the drug problem is particularly severe. These proposals are being implemented by the relevant Ministers.

159. The second report of the Ministerial Task Force dealt, inter alia, with the problem of the nationwide misuse of non-opiates, particularly among young people. The key recommendation to arise from the report was the establishment of a Youth Services Development Fund to develop youth amenities and services in disadvantaged areas where there is a significant drug problem. This was subsequently re-named the Young People's Facilities and Services Fund and the Government committed an Exchequer contribution of £30 million to the Fund over the period 1998-2000. The private sector will also contribute to the Fund through a collaborative arrangement between the Department of Tourism, Sport and Recreation and the Irish Youth Foundation, an organization established with the aim of attracting corporate sector investment in youth projects throughout Ireland. The Fund will support a range of capital and non-capital projects in target areas where a drug problem exists or has the potential to develop.

160. There is no hard data available on the exact number of drug misusers in Ireland. The Ministerial Task Force on Measures to Reduce the Demand For Drugs (1996) estimated the number to be 8,000, confined mainly to Dublin City. The Health Research Board report of 1996 noted that the total number of contacts receiving treatment for drug misuse in that year was 4,865 and most of these were resident in the Eastern Health Board area. It must be emphasized that this is the number of people receiving treatment and that the number of people misusing drugs would be greater than this figure. Almost three quarters of the clients treated were male. Ninety-six per cent were between 15 and 39 years of age and almost two thirds were under 25 years of age. Fifty-eight per cent had left school on or before the official school leaving age of 15. Eighty-three per cent were unemployed.

161. All health boards, in conjunction with the Health Research Board (which is Ireland's focal point for the European Monitoring Centre for Drugs and Drug Addiction) are working on the establishment of information databases. These will provide accurate timely data on the nature and extent of drug misuse and the demand reduction interventions being used to address the problem. These databases will provide vital information that is accurate and comparable from one area to the next and from one country to the next.

162. During 1997, 26 research projects were undertaken through Forbairt's Science and Technology against Drugs Initiative. The projects were grant aided by the European Commission. Research projects undertaken included investigation into the detection and analysis of illegal drugs, biochemistry and pharmacology, such as the neurotoxicity of various forms of ecstasy, and other social sciences studies. The results of these studies will prove useful both to public health services and to Gardaí and forensic scientists.

Response to Date

163. Since 1992, special funding has been allocated each year to health boards by the Department of Health and Children to allow for the development of extensive prevention and treatment services. The services provided in each health board are determined by the profile of drug misuse in each respective board.

Government decisions on drug demand reduction measures

164. On 20 February 1996, the Government approved proposals on new demand reduction measures to prevent drug misuse. The objectives of the proposals are based on two key elements:

Reducing the number of people turning to drug misuse in the first instance through information, education and prevention programmes;

Providing a range of treatment options for those addicted to drugs, the ultimate objective of which must be a return to a drug-free lifestyle, although this may not be a realistic goal in every instance, in the short term at least.

165. Following this, a Ministerial Task Force on Measures to Reduce the Demand for Drugs was set up and it produced its initial report in October 1996. The recommendations of the report in relation to service provision were:

Speedy establishment of information databases by the health boards in order to establish the extent of addiction;

Health boards to move to eliminate drug treatment waiting lists, with the Eastern Health Board waiting list to be eliminated in 1997;

Particular attention to be paid to the needs of young misusers in the priority areas;

Priority status for community employment (CE) applications offering integrated services for recovering addicts;

A series of education and prevention steps, including enhanced truancy measures and an anti-drug programme for all primary schools in priority areas;

An estate improvement programme for severely run-down urban housing estates;

Local authorities to develop sports and recreation activities in the priority areas, within the national sports strategy framework.

166. The Department of Health and Children and other agencies continue their work to implement the recommendations of the two ministerial task force reports.

Education and prevention programmes

167. For many years the Health Promotion Unit in the Department of Health and Children has been working to increase awareness of the dangers of drug abuse. A number of initiatives have been put in place to alert and educate people on the dangers of all drug misuse.

168. Demand reduction activities in this area include:

(a) Mass media drug misuse prevention campaign. The aim of this campaign is to alert, remind and warn people about the dangers of drug misuse. There are two distinct target audiences for this campaign:

(i) 15-25-year-olds who are experimenting with drugs or who are at risk of becoming drug misusers;

(ii) Parents of young people, many of whom have huge concerns about the subject of drugs.

The message of the campaign is "drugs destroy lives, not just of users but people close to them too". The television campaign is supported by cinema and fly posters and there is a radio campaign which is aimed more specifically at parents urging them to seek advice if they believe that their children are involved in drugs. The radio campaign element contains specific messages on ecstasy and heroin.

(b) Drug education video. An educational video entitled "My best friend" has been developed for use in disadvantaged settings where exposure to drug misuse presents a threat to the health and well-being of young people and it has been distributed to all second level schools and other relevant agencies. The principal aim of "My best friend" is to be a supportive resource for drug education. It seeks to be a trigger for discussion and to give an insight into the way in which drug misuse affects relationships and lives. The story focuses on the relationship between two sisters and a teenager's first experience of drugs - in this case ecstasy - and her eventual addiction to heroin.

(c) Progress in schools and the non-formal education sector. Resource materials for a primary school substance abuse prevention programme have been developed and have been pilot-tested and evaluated. Wider dissemination of the programme will commence in autumn 1998. The "On my own two feet" substance abuse prevention programme continues to be implemented in second level schools. Work continues, through the Youth Health Programme, based in the National Youth Council of Ireland and financed by the Departments of Health and Children and Education and Science, on the following:

The development of protocols for youth leaders on dealing with drug misuse;

The development of a pilot health promoting youth service;

The setting up of a National Trainers' Forum for youth workers working in drug education.

(d) Existing Initiatives. Dissemination of existing programme and materials has continued in the education sector, among parents and in the wider community.

European initiatives

169. Ireland is a member of the Management Committee of the European Commission's Drug Dependence Programme and works closely with this Committee on developing European initiatives. A major focus in 1998 will be European Drug Prevention Week, which will take place in November.

Treatment services

170. All health boards provide education and counselling services. Treatment services are available from health boards through the general practitioner or hospital system. However, in the Eastern Health Board, which has a major heroin problem, specialized services have been developed and are being expanded to cater for the needs of heroin misusers. The Eastern Health Board developed a comprehensive service plan for 1997 aimed at eliminating waiting lists for treatment by the end of the year and expanding all of its services, particularly rehabilitation services. The waiting list for treatment at the end of 1997 was 369; the corresponding number at the end of 1996 was 560. Treatment was provided to 3,574 clients in the community during 1997. As services develop in local areas, more people come forward to access these services, so it is impossible to say when waiting lists can actually be eliminated. The Board has commenced an emergency and assessment service in a number of its treatment centres. The emphasis is on providing treatment to people in their own local area.

171. There are 6 treatment centres and 18 satellite clinics providing services in the Eastern Health Board. Services include counselling, needle exchange, methadone treatment and HIV testing. A mobile clinic provides services to drug misusers at two locations. Work is ongoing on the provision of further treatment facilities where a need for these services has been identified. Detoxification beds are provided in two locations, with downstream detoxification facilities in another location. Work is under way to expand the overall facilities which are available.

172. The Methadone prescription/dispensing scheme continues to be expanded, evaluated and regulated. The total number of people on the central treatment list is around 3,400, with around 100 general practitioners and 100 pharmacies involved in this scheme.

173. A free-phone telephone help line was initiated by the Eastern Health Board in July 1997. This is operating successfully, assisting people in crisis situations and referring them to the appropriate service, when necessary. Health board schemes closely link with community employment schemes, FÁS and other back-to-work schemes to maximize the chances of drug misusers who are stabilized obtaining employment and becoming socially reintegrated.

Voluntary organizations and community groups

174. Voluntary organizations play a key role in supporting statutory agencies in providing a range of preventive and treatment services. It is acknowledged that the most successful place to provide treatment for those misusing drugs is in their own community. It has been demonstrated that, with proper supervision and control, those centres work effectively with the minimum of

interference for the local community. All health boards provide funding to voluntary agencies and community groups working in the area of drug prevention and treatment, whose work complements the work of statutory agencies.

Role of the Gardaí in reducing the demand for drugs in the case of young people under 18 years of age

175. Garda Juvenile Diversion Programme. Operating since 1963, the Garda Juvenile Diversion Programme includes assistance and referral by Garda Juvenile Liaison Officers of young offenders involved in drugs. The aim is to prevent young people becoming involved in a downward spiral of drugs and crime and steer them towards rehabilitation and treatment where necessary.

176. Drugs awareness programme. In addition to tackling the supply side of the drugs problem, the Gardaí have also concentrated on reducing the demand for drugs by the introduction of a drugs awareness programme. This programme involves the Gardaí giving talks and advice to various statutory groups, voluntary groups and local communities throughout the country.

177. Garda schools programme. The Garda schools programme involves a series of talks to children in the fifth class of primary schools. The programme includes a module on drugs aimed at giving young people the knowledge and skills to enable them to make informed decisions in relation to drugs and the legal and other consequences associated with their misuse.

178. Garda mobile anti-drugs unit. The mobile unit was launched as part of the European Drugs Prevention Week in 1994. It is used throughout the country at all major public events to promote awareness of the benefits of a drugs-free lifestyle among young people and to provide advice to adults on the signs of drug use.

(b) Children in situations of emergency

Refugee Children (see paras. 414-416 of the initial report)

179. Additional assistance is provided by the Department of Education and Science to schools attended by "Programme refugees" by way of a visiting teacher service. Where asylum-seekers and Convention refugees attend such schools, this service is also available to them.

180. The children of asylum-seekers and refugees usually attend local schools. It has been proposed that the position of such pupils be re-examined to decide how the particular difficulties created for schools and experienced by non-English speaking pupils can be addressed most effectively in the context of increasing numbers of such pupils.

181. Mother tongue and culture classes are provided by the Department of Education and Science for the children of Programme refugees.

182. It is now proposed to establish a special unit for the provision of language training for adult refugees. This unit will undertake research into the most effective means of providing language training for non-English speaking adults to enable them to live full lives in the country and to participate in the work force. It will also be responsible for the preparation of appropriate compensatory language programmes for pupils with language deficits and for developing benchmarks at all levels. Preparation for the establishment of this unit is at an advanced stage. The target date for the opening of this unit is September 1998.

183. The most recent figures available regarding the numbers of asylum-seekers and the number of children asylum-seekers in the country are as follows:

	1992	1993	1994	1995	1996	1997
No. of asylum-seekers	39	91	362	424	1 179	3 883
No. of children	n/a	n/a	25	35	108	740
No. of unaccompanied minors	n/a	n/a	n/a	n/a	2	13

Article 11

National Anti-Poverty Strategy (see paras. 437-439 of the initial report)

184. As indicated in the initial report, the Irish Government has developed a National Anti-Poverty Strategy (NAPS) to implement the United Nations commitment to substantially reduce overall poverty and inequality, in accordance with the Programme of Action of the 1995 World Summit for Social Development.

185. "Sharing in progress" - the National Anti-Poverty Strategy (NAPS) - was launched in April 1997. Since the launch, which followed two years of intensive preparatory work, the following administrative and institutional structures have been put in place to implement the Strategy:

A Cabinet sub-committee to deal with issues of social inclusion (incorporating NAPS, local development and drugs);

A NAPS unit in the Department of Social, Community and Family Affairs to oversee the implementation of the Strategy;

The continuation of the NAPS Inter-Departmental Policy Committee, which is comprised of senior officers who have responsibility for ensuring that the NAPS provisions relevant to their Departments are implemented;

A NAPS liaison officer has been appointed in each government department to fill a communication and coordination role;

The Combat Poverty Agency constitutes a key element of the monitoring and evaluation of the Strategy, together with the National Economic and Social Forum, which has responsibility for monitoring the social inclusion element of Partnership 2000 (the current national agreement between the Government and the social partners).

186. The Strategy must be embedded at political and departmental levels and in the wider public service. The NAPS unit has collected "baseline documents" from all relevant government departments, identifying the range of social inclusion initiatives currently being progressed within departments. The first series of annual work plans have also been submitted by departments, drawing on social inclusion commitments contained in the NAPS, the Programme for Government and Partnership 2000.

187. Much progress has been made on the development of a process to ensure that social inclusion issues are considered in any proposed major government policy changes. Furthermore, mechanisms to consult with the voluntary and community sector in relation to the development and the monitoring/evaluation of the Strategy are being put in place. A programme of public information and education (about NAPS and poverty in general) for all sectors of the community has been developed and the Cabinet Committee on Social Inclusion and the NAPS Inter-Departmental Policy Committee will continue to meet regularly to ensure that the momentum which was generated during the development of the Strategy will be continued throughout its 10-year lifetime.

Economic and Social Research Institute

188. The Economic and Social Research Institute (ESRI) carried out a survey entitled "The living in Ireland survey", which shows the extent and nature of poverty in Ireland in 1994. This formed the basis for a report entitled "Poverty in the 1990s - evidence from the living in Ireland survey" which was published in 1996. The report highlights trends in poverty since a similar publication in 1987 and has informed national anti-poverty policy, particularly in relation to the National Anti-Poverty Strategy.

189. The ESRI carried out a review of the minimum adequate income rates recommended by the Commission on Social Welfare. Published in December 1996, the ESRI study takes account of a number of other key reports, such as that of the Expert Working Group on the Integration of Tax and Social Welfare, and forms the basis for the formulation of proposals for improvements in the social welfare system in the years ahead.

Future developments

190. As indicated, the ESRI completed its study of the recommended rates of social welfare payments arising out of the report of the Commission on Social Welfare. In the most recent national pay agreement between the Government and the social partners - Partnership 2000 - the following commitment was given: "The real income position of those dependent on social welfare will be protected and enhanced. It is agreed that the minimum rates recommended by

the Commission will be implemented before the end of this Partnership." This commitment is further endorsed in the current government programme "An action programme for the Millennium", in which a specific commitment is also made to substantially increase social welfare payments for older people.

191. The 1998 Budget provided for increases in benefits and pensions. As a result, 93 per cent of those reliant on social welfare payments are now receiving more than the rate recommended by the Commission on Social Welfare.

Article 12

Environmental protection policies (see paras. 674-677 of the initial report)

192. Environmental protection policies and activities, including those of the Department of the Environment and Rural Development, of the Department of the Marine and Natural Resources[7] and of local authorities, also contribute to the protection of public health, particularly in relation to issues of water quality, air quality, sanitation and waste management.

193. The major public funding priorities of Irish environmental policy in recent years have been to meet drinking water quality standards fully and consistently in all areas, and to eliminate pollution of inland and marine waters by sewage discharges and discharges of wastes and harmful substances from ships.

194. Strong legislative provisions are in force to control water quality; these include the Local Government (Water Pollution) (Amendment) Act, 1990, the Environment Protection Agency Act, 1992, the Dumping at Sea Act, 1996, and the Sea Pollution Act, 1991, as well as a range of regulations which transpose EU directives on various issues. Monitoring of fish and shellfish safety for human consumption is carried out on an ongoing basis. Monitoring and management, in liaison with United Kingdom authorities, is carried out regarding chemical and radioactive waste dumpsites in waters around Ireland.

Article 13

195. Any previous references to either the Minister for or the Department of Education, should now read as Minister for or the Department of Education and Science.

Education Bill

196. Paragraphs 690-692 of the initial report referred to the Government's white paper, "Charting our education future", which ultimately formed the basis of the Education Bill. Specific elements of the white paper were also referred to in other parts of the report.

197. The Education Bill (now known as the Education No. 2 Bill) is currently being considered by the Oireachtas (copy attached). The Bill, when enacted, will be the first legislation of general application to address issues relating to the organization of education at

first and second level in the State. Its provisions are a combination of structural reforms of the education system and a balancing of the interests of the partners in education - parents, patrons, students, teachers and the State.

198. The principal features of the Bill are as follows:

The recognition of schools and the funding of recognized schools is provided for;

The Inspectorate of the Department of Education and Science is placed on a statutory footing;

Provision is made for the establishment of boards of management for schools in receipt of public funds;

Provision is made for agreement on the composition of boards among the education partners, their functions and related matters;

Provision is made for a range of issues, including the school year and week, the curriculum and appeals;

The National Council for Curriculum and Assessment is placed on a statutory footing;

Provisions relating to examinations conducted under the aegis of the Minister.

Pre-school education

199. The Minister for Education and Science convened a National Forum for Early Childhood Education in March 1998. The National Forum was representative of all groups involved in providing early childhood education services throughout the country and brought together service providers and experts in the field for the purpose of advising on a strategy for the future development of early childhood education services. It provided an opportunity for all interested groups to engage in a full exchange of views and for each group to put forward their own particular concerns and objectives while, at the same time, taking account of the objectives and concerns of the other partners in the process. Following the conclusion of the National Forum, an independent report of its proceedings and conclusions is being prepared by the secretariat and will be published under the authority of the Secretary-General of the Forum. This important document will be a key contribution to a white paper on early childhood education, work on which will commence shortly.

The National Council for Curriculum and Assessment

200. The National Council for Curriculum and Assessment (NCCA) has, at the request of the Minister for Education and Science, been reviewing the curricula at both primary and second level. The NCCA has now reported and, inter alia, has recommended that the subject, Social, Personal and Health Education (SPHE), be introduced as part of the core curriculum of the revised overall curriculum at primary level. This recommendation has been accepted and

arrangements are being made to introduce SPHE as part of the revised curriculum at primary level. It is expected that a similar recommendation will be received from the NCCA in the near future in respect of the curriculum at second level.

Primary education

201. Following a decision to consider the introduction of the teaching of modern languages at 5th and 6th class primary level, it has been announced that 270 schools have been chosen to participate in a pilot project for the teaching of modern languages in primary schools. The languages targeted will be French, German, Italian and Spanish and will be introduced in the selected schools from the beginning of the 1998/1999 school year.

202. Project leaders have been appointed to work with the participating schools to assist and advise project teachers in their classrooms, to evaluate existing teaching materials for language teaching in primary schools, to develop materials specifically tailored for use in the project and to develop and implement a training programme for teachers involved in the project.

(a) Second level education

The Junior Certificate examination (see paras. 732-734 of the initial report)

203. The Junior Certificate elementary programme was introduced in September 1996. Forty-five schools are taking part in the programme in the first phase. The programme is designed to reach out more effectively to a small but important minority of students whose particular needs are not adequately catered for in the present broadly based Junior Certificate. The Junior Certificate elementary programme operates within the Junior Certificate curriculum. It is an intervention into the Junior Certificate and not an alternative to it. It helps to make the curriculum accessible and relevant to young people who would benefit from a different approach to the Junior Certificate.

The Leaving Certificate (see paras. 735-737 of the initial report)

204. At the end of compulsory schooling, pupils may follow a further two-year course at senior cycle at a second-level school, leading to the Leaving Certificate examination. The stated aim of this examination is, "to prepare pupils for immediate entry into open society or for proceeding to further education". The Leaving Certificate comprises three alternative programmes, the established academic Leaving Certificate, the Leaving Certificate Applied and the Leaving Certificate Vocational Programme. Over 80 per cent of second level pupils complete the Leaving Certificate programme. It is used for a variety of purposes; for example, as an entry qualification for a range of third-level institutions, including the universities, and as a preparation for entry to society and working life.

205. The transition year is a year between the end of the Junior Certificate year and the beginning of the two years preparation for the Leaving Certificate. The year provides for a broad education of pupils. It encourages them to find and develop their own special interests. Each school designs its own transition year programme within guidelines set by the Department of Education and Science. Approximately 25,000 pupils participate in this programme annually.

(b) General matters relating to schools

Scientific and Technological Education (Investment) Fund

206. A bill to establish in law the Scientific and Technological Education (Investment) Fund, was passed by the House of Oireachtas in December 1997. The fund will be used to develop technology education at all levels, ranging from primary schools to advanced research.

207. There are three main objectives to the establishment of the fund:

To renew and modernize the infrastructure of third-level institutions, particularly in the technological sector;

To develop new areas of activities where emerging skills needs have been identified;

To invest in promoting innovation to maintain and further our economic growth.

208. The fund will be managed by the National Treasury Management Agency. The funding will be in addition to annual capital allocation and will not replace or reduce existing investment. Funding will be allocated on the basis of priorities developed in consultation with industry and education and will allow for a strong partnership between the State, the institutions and the private sector. The seven broad areas to be targeted for support are:

Skills needs;

Infrastructure developments;

Craft needs (hotel and tourism industry);

Vocational education needs - Pre-Leaving Certificates and apprenticeship;

Research and development;

Third-level equipment renewal grants;

Schools IT 2000.

Schools IT 2000 Initiative

209. The Schools IT 2000 Initiative was launched in November 1997. This £50 million plan is one of the most ambitious of its type in the world and includes a major contribution of £10 million by Telecom Eireann.

210. In accordance with the plan:

Every school will be connected to the Internet by Telecom Eireann;

Within three years there will be at least 60,000 computers in Irish schools;

Some schools will be involved in using advanced developments in information technologies and piloting software for use in all schools;

A special schools Internet, called Scoilnet, will begin operation and will be linked to other such international networks.

Relationships and sexuality education

211. A decision was taken to introduce Relationships and Sexuality Education (RSE) into the curriculum of schools in response to the needs of children and young people. The aims are to promote the overall development of the person and the integration of sexuality into personal life. An RSE Training and Support Service was established by the Department and trainers were recruited. During the last school year, all 21,000 primary teachers completed a three-day training programme in RSE and approximately 1,700 post-primary teachers attended special training programmes. In addition, a representative sample of schools was chosen to pre-test certain aspects of the RSE programme and classroom materials as they were developed. Copies of an information booklet for parents on RSE were issued to schools for dissemination to all parents throughout the country.

212. Minimizing the apprehension of teachers and parents in relation to RSE is crucial to the success of the initiative. Therefore, the support for the coming year includes the retention of the RSE Training and Support Service, the putting in place of a freephone helpline and the provision of seminars to assist schools and parents in the development of a school policy on RSE. The school policy will outline how Relationships and Sexuality Education is to be delivered in the school, using a coordinated whole-school approach and involving extensive consultation with parents, and taking into account the ethos and core values of the school.

Establishment of a national psychological service

213. Planning has commenced for the establishment of a national psychological service to provide services for all primary and post-primary schools, as well as to pre-school children. The service will also extend to students who drop out of school at late primary or early second level. A planning group, chaired by the Chief Inspector of the Department of Education, will report to the Minister on this issue.

(c) Helping students to achieve their potential

Remedial teachers

214. A total of 1,242 remedial teachers are now deployed in the primary system. Of the 3,200 primary schools, 2,459 currently have access to a remedial service. The service is available to 416,054 of the 461,877 primary school pupils.

Meeting the educational needs of Travellers (see paras. 760 and following of the initial report)

215. Special measures at primary school level include the provision of funding and the sanctioning of STT (Special Teacher for Travellers) posts, as well as the development of reading materials for use with Traveller children. The number of STT posts has been increased to 260.

216. A visiting teacher service for travellers continues to provide special support for children attending ordinary primary and second-level schools. There are now 20 such teachers providing these supports.

217. A national coordinator for Traveller training centres was appointed in early 1997.

218. A Traveller Education Coordinating Committee, comprised of representatives of all of the areas of the Department dealing with Travellers, including the Inspectorate and the National Education Officer for Travellers, has been established. Its terms of reference include establishing a consultation process with all interested groups including Travellers, drawing up a comprehensive plan for implementation of those Task Force recommendations approved by the Government, overseeing the implementation of the plan, reviewing the plan on an annual basis in the light of experience and coordinating the Traveller-related activities of the Department.

Children with special educational difficulties (see para. 787 of the initial report)

219. There are now 42 visiting teachers serving ordinary and second-level schools in certain areas of the country with children who have hearing and/or visual impairment or children with Down's syndrome.

Special schools for young offenders (see paras. 923 and following of the initial report)

220. In the light of recent judicial and public concern, the Minister announced proposals to increase the available facilities for boys and girls and, in the process, to cater for the emerging demands of the new legislation and, in particular, (i) to provide for unruly cases who would previously have been referred to the prison system and (ii) to provide therapeutic/treatment facilities, which do not currently exist, for cases presenting such needs.

National Centre for career guidance

221. The National Centre for Guidance in Education was established in May 1995. The aims of the Centre are to operate as a focal point for the further development of materials, to provide

support for guidance practitioners in both formal and informal education settings, to act as a centre through which mutual exchange of information on vocational information, guidance provision and practice in other Member States of the EU can take place.

Actions taken/contemplated by the Government to introduce or guarantee equal access to all levels of education within the country

222. The National Anti-Poverty Strategy (NAPS) was launched on 23 April 1997. It is a major cross-departmental policy initiative by the Government, designed to place the needs of the poor and the socially excluded among the issues at the top of the national agenda in terms of government policy development and action.

223. In this context, education can play a key role in the promotion of equality of opportunity. Educational qualifications, or the lack of them, determine to a large extent the life chances of people. Tackling educational disadvantage requires a range of actions in the context of a continuum of provision from childhood to adulthood. Strategies focus on the following key areas:

Increased participation;

Increased pre-school services;

Prevention of educational disadvantage and early school leaving;

A continuum of provision for special educational needs;

Measures to improve Traveller children participation;

Support for lifelong learning.

(d) Third-Level Education (see paras. 825 and following of the initial report)

Universities Act, 1997

224. Under the Universities Act, 1997, the National University of Ireland, Maynooth, was established as a constituent university within the new structure of the National University of Ireland. Each of the former constituent colleges have also become constituent universities with all the powers and characteristics of universities. The National University of Ireland is retained as an umbrella body which provides the constituent universities with a forum for coordinating their activities and overseeing their effectiveness.

225. Consequently, there are seven universities, the National University of Ireland, Cork, the National University of Ireland, Dublin, the National University of Ireland, Galway, the National University of Ireland, Maynooth, Trinity College, Dublin, the University of Limerick and Dublin City University.

Access to third-level education for people with disabilities

226. Special additional arrangements are needed to enable people with disabilities to follow third-level courses without difficulty. In 1995, the Committee on Access and Participation of Students with Disabilities in Higher Education presented its report to the Higher Education Authority (HEA). In consequence of this report, the HEA provided targeted funding in 1996 and subsequent years to third-level colleges under its aegis to encourage the development of special arrangements for students with disabilities. In the context of the 1995 report, the HEA is now commissioning a follow-up survey of higher education institutions to ascertain the progress made regarding access to and participation in third-level education for students with disabilities.

227. In addition, the Department of Education and Science provides a special fund for students with disabilities to assist students who have special needs in attending third-level institutions. Grants are provided to students for the purchase of special equipment, special materials, technological aids, targeted transport services and sign language assistance/interpreters.

Special Initiatives to Improve Participation

228. The findings of the annual ERSI school leavers survey consistently indicate that a person's socio-economic status continues to exert a strong influence on educational participation at third level. While the factors underlying this phenomenon go beyond our educational system, there are a range of measures in place to further the promotion of equality of access to higher education. The need for a holistic approach to promote equality, rather than policies focused only on the third-level sector and on the transition from second to third level, is well established. In this regard, fuller participation in the third level depends on measures to ensure access to and retention of students in full-time education at the first and second levels.

229. In relation to measures specifically targeted at the third level, the Higher Education Authority provided £260,000 in 1996 and £475,000 in 1997 for initiatives specifically relating to disadvantaged students in a number of colleges. These initiatives involve links with second-level schools and local communities. The programmes will assist some students to meet the points requirement for courses, enabling them to obtain a college place through the standard CAO entry procedure. The other aspect of the programmes is the special entry arrangements through which more flexible entry criteria are applied and the various supports put in place for students entering by this method.

230. The Department also funds three access initiatives involving Dublin City University, the University of Limerick and Trinity College to improve participation of pupils from disadvantaged areas at the third level. The initiatives involve linkages between the colleges and local second-level schools and incorporate supervised study facilities, extra tuition for pupils, information and advice for parents and pupils, including seminars and support teaching in key subject areas.

Free fees initiative

231. Although the removal of barriers to more equal participation at the third level requires a range of policy measures, fees and maintenance costs are a major constraint. These were mitigated to some extent by the student support schemes. Widespread concern about the equity of the student grant schemes and the regressive impact of income tax relief for covenants led the Government to abolish undergraduate tuition fees in publicly funded third-level institutions. The free fees initiative was introduced on a phased basis, with tuition fees being halved for the 1995/96 year and abolished completely from 1996/97 onwards. Students paid half the tuition fee in 1995/96 with the Exchequer meeting the cost of the second half of the tuition fee in January 1996. The initiative applies to full-time undergraduate courses in State funded institutions, as well as to all other institutions and courses which are approved for the purposes of the Higher Education Grants Scheme and which were part of the CAO system of entry.

232. Undergraduate students (with the exception of those eligible for maintenance grants under the means tested students support schemes) in third-level institutions are required to pay a basic charge of £150 towards the cost of registration, exams and students services. The Minister for Education and Science accepted that this charge could be increased to £250 for the academic year 1997/98. However, the Minister requested the Chairman of the Higher Education Authority to reconvene, without delay, the working group which was previously established to review and make recommendations on the implementation of the charge, in order that a framework of good practice may be drawn up in relation to the charge.

Tax relief

233. Section 6 of the Finance Act, 1995, provides for tax relief on tuition fees paid by students who are attending private third-level colleges. Such students or their parents, as appropriate, can avail themselves of the standard rate of tax relief on tuition fees paid in respect of full-time undergraduate courses of at least two years' duration in such colleges, provided that both the college and the course satisfy codes of standards and are approved by the Minister. Tax relief has been extended to include fees paid for part-time undergraduate courses in section 15 of the Finance Act, 1996. Both these tax reliefs came into effect in the 1996/97 tax year in respect of tuition fees paid in the 1996/97 academic year. The tax relief arrangements have been extended to include approved distance education courses which satisfy the codes of standards with effect from the 1997/98 tax year. Tax relief can be claimed on tuition fees up to a maximum level of £2,500.

Non-university third-level sector

234. Commencing in May 1997, all Regional Technical Colleges were designated "Institutes of Technology". The objective in this regard is to develop a framework for the structured development of institutions in the technological sector to address changing local and national demands, while ensuring the maintenance of the complementary third-level systems of university and technological education. The diversity of institutions and the separate missions of the two broad sectors will be maintained so as to ensure maximum flexibility and responsiveness to the needs of students and to the wide variety of social and economic requirements.

235. The Dublin Institute of Technology was established informally by the City of Dublin Vocational Education Committee (VEC) in 1978 to bring greater coordination to the work of its six third-level colleges. The Institute was put on a statutory basis in 1993 and has progressed in building a single integrated institution. A ministerial order was signed in May 1997 assigning the Institute the function of conferring degrees, postgraduate degrees and honorary awards with effect from 1 September 1998.

236. The Government fully recognizes the importance of third-level education and this is reflected in a number of recent initiatives. Examples include the programme of expansion of third-level places and major capital initiatives supported by the European Structural Fund. This represents about 50 per cent of the age cohort, about half of whom follow degree-level programmes.

Points system

237. The Commission on the Points System was set up by the Minister for Education and Science on 15 October 1997. The setting up of the Commission met an important commitment in the Government's "Action programme for the Millennium", which included as a key priority the appointment of a high-powered group to examine the points system.

238. The Minister decided on the terms of reference following consultation with education interests on the remit of the Commission. The Commission is to review the present system of entry to third-level institutions and make any recommendations that it considers appropriate. The Commission will not only report to the Minister and the Government, it may also make recommendations to third-level institutions and indeed also in relation to the second-level sector.

239. In making recommendations, the Commission is to have regard to the present system's effect on the personal development of students and its impact at the post-primary level, particularly on the senior cycle, in terms of its influence on teaching, learning and assessment techniques. It will also look at its impact on selection of third-level courses and its effect on access to the third level of students who have experienced significant educational disadvantage and of non-standard students, such as mature students. A further key element of the work of the Commission will be to look at international experience of entry systems.

240. An essential task of the Commission is to draw up an implementation strategy for its recommendations. This strategy will include details of the cost, timing and other practical considerations of the recommendations. This task brings a pragmatic focus to the work of the Commission. The Commission's work is now under way. As an initial step, the Commission sought submissions from interested individuals and groups. It is envisaged that the Commission will continue its work with further public consultation in the near future. A report from the Commission is expected in 1999.

Other developments

241. The Government fully recognizes the importance of third-level education and this is reflected in a number of recent initiatives, including the programme for the expansion of third-level places and the capital investment programme, which is supported by the European

Social Fund. The report of the Steering Committee on the Future Development of Higher Education, which was published in June 1995, sets out the parameters for growth in higher education. This report was accepted by the then Government as a benchmark for the future planning of the sector, subject to regular review. The first such review is currently being carried out by a study group. The study group's remit is to advise on the appropriate level of provision of education and training places for school leavers and others. The group's report will be available in the near future.

242. More recent developments include the provision, in 1997/1998, of an additional 1,450 places on software courses at degree and technician level and on technology courses at National Certificate level to meet the skills needs of the economy. The Government has also announced the establishment of the £250 million Education Technology Investment Fund. One of the objectives of the Fund is to develop new areas of activity in our institutions, especially where emerging skills needs have already been identified. The additional investment of £60 million targeted for the skills area will facilitate the provision of additional places in skills needs areas.

Adult education (see paras. 889 and following of the initial report)

243. A green paper on the rationalization and development of the adult education services is in course of preparation and it is envisaged that it will be published in 1998.

244. The main objectives of the green paper will be the rationalization of the whole area of adult education and the formulation of a national policy for the future of adult education.

245. The Minister for State for Adult Education has established a committee, representative of interested government departments and the social partners, to consider the implementation of his proposal to establish an "adult education bank", which will deal with lifelong learning and skill enhancement.

The religious and moral education of children (see paras. 929 and following of the initial report)

246. In accordance with the Irish Constitution's provisions in relation to education, the Education Bill recognizes the right of schools to maintain their own distinctive "characteristic spirit", which is defined as "the cultural, educational, moral, religious, social, linguistic and spiritual values and traditions which inform and are characteristic of the objectives and conduct of the school".

247. The Bill makes provision to respect the rights of parents to send their children to a school of their choice. Indeed, aside from resource implications, parents have absolute discretion as to where they send their children to school, subject only to regard for the rights of others. In this context, the Bill specifically contains an objective "to promote the right of parents to send their children to a school of the parents' choice having regard to the rights of patrons and the effective and efficient use of resources".

248. Finally, the Bill, in addition to providing that the Minister shall determine a curriculum to be followed in all recognized schools, also provides a specific exemption for any student to withdraw from any subject which is contrary to the conscience of the parent of the student or, in the case of a student who has reached 18 years of age, of the student.

FÁS - Training and Employment Authority (see paras. 848-853 of the initial report)

249. FÁS, the Training and Employment Authority, was established on 1 January 1988 under the Labour Services Act, 1987. The principal functions of FÁS, as set out in the Act, are to provide:

Training and re-training;

Employment schemes;

Placement and guidance services;

Assistance to community groups and workers' cooperatives towards the creation of jobs;

Assistance to persons seeking employment elsewhere in the European Community;

Consultancy and manpower related services, on a commercial basis outside the State.

250. FÁS has a network of 20 training centres and 54 employment offices throughout the country. In 1998, it is planned to provide training and employment programmes for approximately 284,200 persons. FÁS has a regional organization with 10 regions. Each region has its own budget and responsibility for the planning and running of programmes within its area. Altogether, FÁS employs approximately 2,070 staff.

251. The Community Employment Programme is one of the services FÁS provides to the community. This programme enables a vast range of useful work to be undertaken by community and voluntary organizations and provides work and training opportunities for the long-term unemployed and other disadvantaged persons. In 1998, some 55,000 persons are expected to have completed community employment.

252. As an outcome of the Government's Task Force on Long-Term Unemployment, a nationwide integrated Local Employment Service (LES) was established. The aim of the LES is to provide an integrated locally based service for the long-term unemployed, who will have access to guidance, training, education and employment supports.

253. A National Employment Action Plan was drawn up in April 1998 and provides for the adoption of a preventative strategy whereby there will be early intervention with all young and adult unemployed, within 6 and 12 months respectively of their becoming unemployed, with a view to offering them a job or other employability support, i.e. a place in a training or education course, a place on an employment scheme or in some cases referral to the Local Employment Service for intensive mediation. The commitment to activation will be accomplished by means of cooperation between the Department of Social, Community and Family Affairs and the FÁS

Employment Services while also utilizing the services available from the Local Employment Service. It is intended to introduce this process systematically from September 1998. The Plan is primarily an articulation of labour market policy, which is concerned with mobilizing labour supply and creating the conditions in which people can get back into work. The Plan embodies a comprehensive set of measures to deal with long-term unemployment. In particular, a key initiative will be launched by FÁS later this year in the form of an action programme for the long-term unemployed, in which FÁS will commit itself publicly to specific targets to increase the proportion of long-term unemployed persons gaining access to training programmes. As regards second-level students who exit early from the school system and programmes, the Action Plan provides for £26 million for measures aimed at capacity expansion of at least 1,000 extra places in Youthreach and Traveller Training Centres, an increase of progression places in FÁS to a total of 2,200, and an investment in preventive counselling, guidance and psychological services for persons at risk.

254. FÁS services to job seekers include a range of counselling, guidance and placement services. These include specific skills training courses in a wide range of skills. They are provided with nationally recognized certification. There are also developmental training programmes providing basic skills and personal development support for disadvantaged young persons and other persons seeking to return to the workforce. FÁS also provides apprentice training in 25 designated trades, including electrician, fitter, bricklayer, carpenter/ joiner etc. A new apprenticeship scheme has recently been introduced which is standards-based. On successful completion of apprenticeship, persons receive a National Craft Certificate recognized in Ireland and other EU countries.

255. FÁS services to business include the provision of grant assistance under the training support scheme for the training of employees in key business/skill areas. The scheme gives particular consideration to the needs of small enterprise owner-manager developments.

256. In all its programmes, FÁS gives particular attention to promoting the participation of women in sectors of the labour market traditionally dominated by men and also in growing future-orientated skill areas, including technical and managerial occupations. FÁS publishes a positive action programme for women each year.

257. FÁS works closely with area partnership companies within the 35 local development areas. These are areas of disadvantage designated by the Government for additional support to bring about social and economic development. FÁS works closely with area partnership companies to ensure that its services make a maximum contribution to local development strategies.

Article 15

258. The main change is that any previous references to either the Minister for or the Department of Arts, Culture and the Gaeltacht, should now read as the Minister for or the Department of Arts, Heritage, Gaeltacht and the Islands.

The role of the mass media (see paras. 978 and following of the initial report)

259. It should be noted that, since the publication of Ireland's initial report, Teilifis na Gaeilge, the Irish language national television channel commenced transmissions in October 1996. Pending the establishment of a separate legal structure for Teilifis na Gaeilge, Radio Teilifis Éireann (RTE), the national broadcasting authority, has been entrusted with responsibility for the initial operation of the channel. RTE discharges this responsibility in the light of the advice of Chomhairle Theilifis na Gaeilge, which is an advisory committee established by the RTE Authority. The Government has recently authorized the drafting of enabling legislation to provide for the establishment of Teilifis na Gaeilge as a separate entity.

Directive 92/101/EC - amending Council Directive No. 77/91/EEC- on the formation of public liability companies and the maintenance and alteration of their capital

260. Directive 92/101 amends the Second Directive (Formation and Capital of Public Limited Companies) to apply conditions on the purchase and shares in a public limited company (PLC) by subsidiaries of that PLC. In the period to December 1996, work on draft regulations to implement the Directive was completed and they were submitted to the Attorney General's Office for settlement. The Regulations, 1997 (S.I. No. 67 of 1997) were issued and came into operation on 1 March 1997.

Semiconductors (see paras. 1005-1006 of the initial report)

261. Regulations are currently in place giving effect to over 10 EC Council decisions to extend the legal protection of topographies of semiconductor products in respect of persons from certain third countries and territories.

PART THREE

NGO CONSULTATION ON INITIAL AND DRAFT SECOND REPORTS ON THE IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

A. Introduction

262. Recognizing the important role that the NGO sector plays in the promotion and protection of human rights, the Department of Foreign Affairs consulted formally and informally with a representative cross-section of the NGO sector in the drafting of this report.

263. The purpose of the consultation with NGOs was threefold:

To ensure Ireland's second report was an accurate reflection of the current status in Ireland of the International Covenant on Economic, Social and Cultural Rights;

To pinpoint the key concerns of the NGO sector and to afford them a meaningful opportunity to present to government officials their ideas on how Ireland could achieve fuller implementation of the International Covenant on Economic, Social and Cultural Rights;

To explore the implementation by Ireland of the International Covenant on Economic, Social and Cultural Rights from an alternative perspective and to record this in a specific chapter in the report.

264. On 16 December 1998, the Human Rights Unit of the Department of Foreign Affairs hosted a consultative meeting between government departments involved in the drafting of Ireland's second report and 18 NGOs.[8] In the weeks before the meeting, the participating NGOs were furnished with the draft report on a confidential basis and invited to submit written responses to the draft report prior to the consultation. It was hoped that this would lead to constructive deliberation and allow concerns to be shared from an informed position. The meeting did not set out to achieve agreement or consensus but rather to allow for a constructive exchange of views on the report.

265. The meeting was chaired by the head of the Human Rights Unit of the Department of Foreign Affairs. The consultation proceeded with an examination of the draft report on an article by article basis. Government departments with responsibility for relevant sections of the report were then asked to reply to comments made by NGOs.

266. Some of the key concerns of the NGO sector are outlined in the following paragraphs. Written submissions received by the Department of Foreign Affairs prior to the consultation were forwarded on to the Committee on Economic, Social and Cultural Rights and supplement this record of the consultation.

B. Comments made by NGOs

General developments

267. The draft report should make reference to the recommendation of the Constitutional Review group that the Equality Clause be expanded, and to its decision not to include anti-poverty rights in the Constitution. The rights of mentally handicapped persons should enjoy constitutional and legislative protection.

Article 1

268. Ireland's commitment to adherence with article 1.2 should be reiterated in view of recent developments regarding the patenting of life forms.

Article 2

269. The report should acknowledge the distinct cultural identity of Travellers and the work Traveller groups have undertaken to improve protection of their rights under the Covenant. The situation regarding accommodation and education provisions for Travellers is bleaker than that described in the report.

270. The full report of the Commission on the Status of People with Disabilities should be attached to the report. The Commission recommended legislative and constitutional measures which have not been sufficiently realized and the National Disability Authority, established in the context of the Commission, lacks adequate powers. Ireland, as a State party to, inter alia, the European Convention on Human Rights, is obliged to provide legislative protection for the disabled. The report should acknowledge that new mental health legislation, referred to at paragraph 673 of the initial report, has yet to be produced. The report should specifically refer to the situation of persons in psychiatric hospitals as a distinct vulnerable group.

271. The discrimination experienced by homosexuals and the recommendation of the Economic, Social and Cultural Forum that a commission be established to inter alia investigate this discrimination, should be noted in the report.

272. The application of the Covenant to asylum-seekers should be recognized in the report and reference should be made to the non-implementation in full of the Refugee Act, 1996.

273. The greater vulnerability of women and Travellers and of men involved in child custody legal proceedings to discrimination should be acknowledged.

Article 6

274. Asylum-seekers are prohibited from working and the number of unemployed persons with refugee status is disproportionately high.

275. Cultural diversity and the impact of the Control of Horses Act and Casual Trading Act on the Travelling community should be acknowledged.

276. The report should refer to recent administrative changes in the Department of Social, Community and Family Affairs and state that these changes do not diminish the right to freely choose employment.

277. The situation of the long-term unemployed and the lack of access for the disabled to transport and buildings should be specifically referred to in the report.

Article 7

278. Reference should be made to reports by ESDI and CORI which identify some negative aspects of wage-fixing methods.

Article 8

279. The provision in the Refugee Act, 1996 which provides for the right to join trade unions has not been implemented.

Article 9

280. The disability benefit pension does not facilitate the return to work of recipients. The "adequacy" of social security payments and the equity between different social security payments should be analysed in the report.

281. The adoption of the philosophy of "activation", whereby social welfare payments are kept lower than salaries, was criticized. This approach must be complemented by additional support, such as training and further education and should continue to provide an adequate payment.

282. The adequacy of social welfare payments should be determined by reference to the general standard of living and concern was expressed that payments were not in line with recent economic growth.

Article 10

283. The lack of enforcement of the Protection of Young Persons (Employment) Act, 1996 was a cause for concern.

284. The report should note that the provision in the Refugee Act, 1996 for the protection of unaccompanied minor refugees has not been implemented.

285. Regarding the detention of juveniles, the report should provide more detail on the accommodation of women prisoners aged 16 to 21. The report referred to proposed juvenile justice legislation (Children's Bill 1996) which has since lapsed. Concern was expressed that a new juvenile justice bill should be produced and should address the following matters:

Raising the age of criminal responsibility with provision for a higher chronological age for persons with a lower mental age;

Clarification of "places of detention" for juveniles;

Independent inspection of conditions in juvenile detention institutions;

Mandatory presence of a parent or solicitor when a juvenile is charged with a criminal offence;

The operation of a diversion programme as an alternative to charging a child with an offence should be subject to strict procedural guidelines and special provision should be made for children from less supportive families in the context of family conferences on a child.

286. Regarding inspection of places of detention and of mental health institutions the following points were raised:

Concern was expressed at the lack of independent inspection of conditions in Limerick prison and child detention centres. Conditions in Limerick prison were described as particularly unsatisfactory;

The need for a Social Services inspectorate with powers to investigate conditions in all places of detention and mental health institutions, including non-designated places of care in the community, was identified as a priority.

Article 11

Right to adequate housing

287. Concern was expressed at the lack of enforcement of the Housing Miscellaneous Provisions Act, 1997 and the Housing (Registration of Rental Housing Regulations) 1996 (S.I. 30 1996). It was contended that only half of all landlords are registered as required by the aforementioned statutory instrument. The operation of housing legislation and methods for the compilation of statistics on homelessness should be reviewed. In particular, the disparity between statistics provided by the Government and by NGOs on the number of homeless persons should be addressed. The report should comment on provisions in local authority legislation which permit the State authorities to evict persons for anti-social behaviour. It was contended that fiscal policy and State finances had been directed towards the stimulation of investment as opposed to facilitating access to housing.

288. De-designated areas in psychiatric hospitals, and private or health board accommodation for the mentally disabled and elderly in the community fall outside the ambit of relevant legislation. All such places should be monitored by an independent inspectorate.

289. Accommodation provisions for Travellers are under-resourced and the lack of childcare facilities is a major concern.

Right to adequate food

290. Reference should be made in the report to equitable distribution of food and to other global issues such as the impact of trade on food security and the control of world trade in food by multilateral companies and the World Trade Organization. The Irish Government should promote the establishment of a legal instrument on protecting the right to food. The report should note the reduction in emergency, bilateral and humanitarian aid for 1999.

291. There is a need for a comprehensive statistical survey of nutrition in Ireland. The St. Vincent de Paul organization spends almost a third of its budget on providing food. The need for a targeted approach to combating poor nutrition in schoolchildren was identified.

Article 12

292. Homosexuals who are HIV positive experience discrimination and prejudice which act as a barrier to the effective targeting and provision of health care to this group.

293. The report should make reference to the criteria which determine eligibility for receipt of health services. It should also note the delays in the provision of health services and problems relating to access to public hospital services. In particular, concern was expressed that the means test which determined eligibility for the award of a medical card excluded a large proportion of people falling just beyond the cut-off point.

294. The report should describe developments relating to the national policy on alcohol.

Articles 13 and 14

295. The report should have included some information on the non-formal education sector.

296. The report should refer to steps the Government has taken to integrate human rights education into the school curriculum and concern was expressed that the budget of the National Curriculum Development Council has been frozen.

297. In practical terms, access to education is difficult for certain members of society and for children from unstable families. According to the Committee on Refugees and Immigrants (CORI), 26 per cent of children leave school without an adequate standard of education.

298. The contribution of NGOs to developments in the provision of certified and non-certified adult education projects should have been acknowledged in the report.

299. The report should refer to measures taken to incorporate an intercultural approach into the education system.

Other general comments

300. Reference should be made to other Covenants, Conventions and United Nations guidelines in the report.

301. General Comments No. 4 and No. 5 of the Committee on Economic, Social and Cultural Rights providing guidelines for reporting on the right to adequate housing and on persons with disabilities should have been followed in this report.

PART FOUR

DEVELOPMENTS FOLLOWING THE CONCLUDING OBSERVATIONS OF THE COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS UPON EXAMINATION OF IRELAND'S INITIAL REPORT

A. Introduction

302. The Committee examined Ireland's initial report at its 14th to 16th meetings, held on 4 and 5 May 1999 and adopted several concluding observations at its 25th and 26th meetings on 12 May 1999 (see Appendix IV for copy of these observations). These concluding observations were distributed to the government departments by the Department of Foreign Affairs for their comments on what measures had been taken since the initial report to address some of the issues raised by the Committee. The following chapter draws together some of the main concerns of the Committee in the concluding observations with responses provided by various departments.

B. Positive aspects of the concluding observations

303. The Committee welcomed the determination of Ireland to implement the Good Friday Agreement of 1998 (para. 3). As regards the human rights and equality obligations contained in the Agreement, the Bill establishing the Human Rights Commission is currently going through the Dáil and it is expected that the Human Rights Commission will be functioning early in 2000. Also, a memorandum for the Government was distributed in relation to incorporation of the European Convention on Human Rights and it is expected that movement will be made on this in the coming year. Ireland also ratified the European Convention for the Protection of Minorities in May 1999.

304. The Committee noted with satisfaction that Ireland intended to increase its contribution to international development cooperation from 0.29 per cent of its GNP to 0.45 per cent by the year 2002 (para. 4). It should be noted that this has now been set down in the programme for the Government, and in the mid-term review of the implementation of the manifesto, the Government repeated its intention to make progress towards this target.

305. The Committee also welcomed the adoption of the Employment Equality Act and the progress of the Equal Status Bill (para. 5). In relation to this, an Equality Authority was established on 18 October 1999 which works towards the elimination of discrimination relating to gender, marital status, family status, sexual orientation, religion, age, disability, race and membership of the Traveller community, in employment, in the provision of goods and services, education, property and other opportunities to which the public generally have access.

C. Principal areas of concern

International Convention on the Elimination of All Forms of Racial Discrimination

306. The Committee expressed disappointment that the International Convention on the Elimination of All Forms of Racial Discrimination had not yet been ratified by Ireland as the legislative process for that purpose had not been completed (para. 10).

307. The legislation referred to is the Equal Status Bill, 1999. The Bill is currently before Dáil Eireann. This measure prohibits discrimination in non-employment areas, such as education, the provision of goods and services and accommodation, on the same grounds as the Employment Equality Act 1998. The Bill completed the committee stage on 4 November 1999 and is awaiting the report stage.

308. The Minister has stated that, Oireachtas business permitting, he will be pressing for enactment of the Bill as soon as practicable. Once it is enacted, he intends to bring the equal status legislation into operation in the first half of the year 2000. After enactment of the equal status legislation, the Minister will proceed with the steps for Ireland's ratification of the International Convention.

Poverty

309. The Committee raised a number of concerns relating to poverty. One of these was that the National Anti-Poverty Strategy (NAPS) did not adopt a human rights framework consistent with the provisions of the Covenant (para. 12). The NAPS is an administrative document which outlines the principles and aims of the State party towards further reducing the prevalence of poverty within Ireland. It also provides the broad strategic direction by which such goals may be achieved through action across all government departments. Thus, the NAPS is a strategy statement and not a legal document. Its focus is on determining the needs of the disadvantaged in society and identifying and developing those policies which can help to meet such needs. It is not clear how incorporating a rights-based approach within a policy document such as this would serve any practical purpose. For instance, if everyone is deemed to have a right to primary/secondary education, both of which are free in Ireland, the expression of such a right does not of itself ensure that the particular needs of "at risk" students can effectively be met without the appropriate policies.

310. Similarly, the Poverty Proofing Framework, which has been adopted across government departments on a one-year pilot basis, attempts to provide a systematic basis by which policies can be assessed at design stage to ascertain their impact on those in poverty. It is an administrative process which has particular regard to certain named groups which are known to be at particular risk of poverty. Again, it is not clear that the expression of "rights" within such an administrative document would in any way enhance the process.

311. Notwithstanding the above, the views of the Committee will be brought to the attention of the NAPS Inter-Departmental Policy Committee for their further consideration.

312. The Committee was also concerned about the persistence of poverty among disadvantaged and vulnerable groups, notably the disabled, the Traveller community, children, elderly women and single women with children (para. 13). The groups listed are among the groups identified in the NAPS as being at particular risk of poverty. They are also identified in the Poverty Proofing Framework as being among the groups to whom particular attention should be paid when assessing the impact of policies on those in poverty.

313. The latest data from the 1997 Living in Ireland Survey indicates that, while households headed by the ill/disabled, retired and those on home duties (which would account for the majority of those listed) still comprise similar proportions of the consistently poor, there has been a significant drop in the numbers experiencing consistent poverty (to 7-10 per cent of the population). As such, while the groups identified still experience a relatively high risk of poverty, they have benefited from the overall reduction in the numbers of consistently poor. Travellers are not covered by the survey data, falling outside the definition of "household" in this instance. However, they are identified in the NAPS document itself as being a group known to have a high risk of poverty.

314. The Committee also noted that social welfare payments were not above the income poverty line and that childcare benefits were not sufficient to cover the cost of bringing up a child (para. 13). Article 11.1 of the Covenant recognizes the right to "continuous improvement in living conditions". In line with this, it is the view of the State party that the value of social welfare payments should continue to be, at the least, maintained in real terms. In accordance with commitments in the NAPS and Partnership 2000 (the current national agreement between the social partners) all social welfare payments have been increased such that they are now at or above the minimum rates recommended by the Commission on Social Welfare.

315. As regards childcare payments, the position is that a universal child payment is payable, in respect of each child, to families with one or more dependent children, regardless of means. In addition, a child dependent allowance is payable to social welfare recipients with dependent children. It is not clear if the Committee is suggesting that universal child benefit payments should be sufficient to fully cover the cost of raising a child. If so, it is not clear what the rationale for such an assertion would be.

316. An Interdepartmental Committee on Childcare recently reported to the Government. Its terms of reference were to evaluate, cost and prioritize a range of childcare issues, including support for the development of childcare services and supports for parents to access such services. The report of the Committee is now being considered by the Government with a view to developing future supports for childcare.

The rights of the mentally handicapped

317. The Committee noted with regret that there was no appropriate legislation dealing with the rights of the mentally handicapped and especially with regard to their detention in psychiatric clinics (para. 14). The legal framework as set out in the Mental Framework Act, 1945 applies to all persons resident in psychiatric hospitals in the same manner as it applies to those with mental illness. This includes the inspection of the services by the Inspector of Mental Hospitals and the legal safeguards in relation to detention contained in the Act. The provisions of the revised mental health legislation, when it is implemented, will also apply to persons with a mental handicap accommodated in psychiatric hospitals.

318. Staff in the psychiatric hospitals involved in the care of persons with a mental handicap are, in line with other mental handicap service providers, committed to the development and maintenance of quality standards within the services as a whole. This includes participation in ongoing training programmes, the implementation of quality initiatives and the expansion of the range of services available to this client group.

319. The Department of Health and Children, in conjunction with the health boards and voluntary organizations, has been engaged in a programme to transfer persons with a mental handicap from psychiatric hospitals and other unsuitable placements to more appropriate care settings. Since 1990 over 370 such clients have been transferred to more appropriate accommodation. As part of this programme, funding has also been provided to upgrade existing accommodation and to enhance staffing levels and programmes for those who are still accommodated in psychiatric hospitals.

320. In late 1998, the Minister for Health and Children approved a major development project for the services to persons with a mental handicap in St. Ita's, Portrane which will cost £13 m and is being funded jointly by the Department and the Eastern Health Board. A number of other developments around the country have also recently been approved and will provide purpose-built residential and day services for persons with a mental handicap in psychiatric hospitals and de-designated units. These developments, together with three major developments in Dublin, Killarney and Limerick which are due to come on stream in 2000, will provide new facilities for over 170 persons with a mental handicap currently accommodated in psychiatric hospitals and de-designated units.

321. The statutory and other measures which are available, or are being put in place, to safeguard the interests of persons with a mental handicap are as follows:

In the case of those accommodated in psychiatric hospitals, provisions of the Mental Treatment Act 1945;

Social Services Inspectorate;

Improved access to services;

Substantial additional resources provided to both enhance the quality of existing services and to develop new services;

Development of standards, protocols, etc., involving service providers and the National Association for the Mentally Handicapped of Ireland;

The commissioning of research to develop evaluation tools, measure outcomes, etc., and the increased availability of information relating to the services;

Increased advocacy role for both clients and families.

Discrimination against Travellers and the disabled

322. The Committee noted with regret that, despite measures adopted, the Traveller community and the disabled were still discriminated against in various respects such as employment, education and housing (para. 20). The Employment Equality Act, 1998, which came into force on 18 October 1999 (see para. 305 above), prohibits discrimination in relation to employment on nine grounds, including membership of the Traveller community and both the mentally and physically disabled.

323. The Act is comprehensive and deals with all areas relevant to employment including access to employment, conditions of employment, remuneration, promotion and vocational training. Anybody who considers that s/he has been discriminated against, on grounds of disability or membership of the Traveller community, contrary to the Act can refer the matter to the office of the Director of Equality Investigations, a new office established under the Act to provide redress of first instance, or in the event of dismissal to the Labour Court. In addition, a person who considers that s/he may have been discriminated against may seek the advice and assistance of the Equality Authority, which replaces the Employment Equality Agency. The Authority will also work towards the elimination of discrimination and the promotion of equality of opportunity in employment on the nine grounds covered by the Act.

324. A complementary measure, the Equal Status Bill, 1999 is currently before the Oireachtas. The Bill outlaws discrimination in the provision of goods and services, including housing and education on the same nine grounds as the Employment Equality Act, 1998. The Equal Status Bill is currently awaiting the report stage (see para. 307 above).

Health issues

325. The Committee raised a number of concerns relating to health issues. In particular, it expressed concern that the increase in tobacco use is the single most important contributing factor to the disease burden facing Ireland and the State party's responses have been inadequate to deal with this problem (para. 17). A reduction in smoking rates continues to be a high priority for the Irish Government. Overall smoking rates have fallen from 43 per cent in the 1970s to 31 per cent currently. Ireland is not unique in having a problem with high smoking rates, this is a universal problem due primarily to the tobacco industry's marketing policies and it continues to be a major cause of concern.

326. The Health Promotion Unit of the Department of Health and Children works closely with a wide variety of statutory and voluntary groups to insure that people have the information and support to make healthy lifestyle choices. The Unit has been involved and continues to be involved in a number of initiatives in order to combat smoking. In order to increase the levels of knowledge and awareness of the risk factors associated with smoking, several national multi-media anti-smoking campaigns have been developed over the past few years.

327. The most recent anti-smoking campaign "Break the habit for good" was launched in December 1998 and this campaign takes a slightly different approach than previous campaigns. It emphasizes the positive effects which quitting smoking can have on the individual. The campaign offers help and support for people wishing to quit smoking. This campaign is run in

conjunction with the Irish Cancer Society and offers support in the form of an "advice kit" which in turn offers the support of the Irish Cancer Society's help line. It is estimated that the budget involved will be of the order of £500,000 over two years and the campaign is ongoing.

328. The Health Promotion Unit also coordinates two school programmes which seek to prevent young people taking up smoking in the first instance. The Smoking Reduction Action Programme (SCRAP) is a peer-led anti-smoking programme for schools which was developed by the Department of Health and Children in conjunction with the Irish Cancer Society and the National Youth Federation, with support from the Department of Education. The cost involved in the development of this programme was in the region of £45,000.

329. The "Smoke-busters" project, which is aimed at primary school children (7-11 years) in an urban environment, was developed by the Irish Cancer Society, the Departments of Health and Children and Education and the Eastern Health Board. The cost involved in the development of this programme was in the region of £70,000. Action against smoking also continues at health board level and in the voluntary sector. The Health Promotion Unit, in association with voluntary agencies active in this area, produces a range of materials including leaflets and posters containing information on smoking and encouraging smokers to quit.

330. The results of the first ever Irish National Health and Lifestyle Survey were launched by the Minister for Health and Children. This survey was commissioned by the Department of Health and Children in 1998 and carried out by the Centre for Health Promotion Studies, National University of Ireland, Galway. In the area of smoking, this survey revealed a smoking prevalence rate of 31 per cent amongst adults and 21 per cent amongst young people and it was conceded that this is a worrying picture in relation to tobacco consumption. This information will direct and inform future anti-smoking campaigns. Furthermore, this extensive piece of research will help all in the statutory and non-statutory sectors who have a role to play in promoting and protecting health in the planning and implementation of their educational, promotional and preventative initiatives in relation to smoking.

331. The Committee was also concerned about the alcohol-related problems in Ireland which have not yet been addressed by the National Alcohol Policy (para. 17). The National Alcohol Policy, launched in 1996, is directed at reducing the prevalence of alcohol-related problems and thereby promoting the health of the community. The policy stresses the importance of a multi-sectoral approach and commitment at national, regional and local levels. The plan of action sets out the actions required of the different partners in implementing the National Alcohol Policy. Since 1996, a National Alcohol Surveillance Project was established to coordinate and monitor the implementation of the action plan. Many initiatives identified in the plan of action have been or are currently being implemented. The following paragraphs detail a few of these initiatives.

332. A media campaign initiated in early 1998 is ongoing, at intervals, and targets those in the 16-30 age group. The thrust of the campaign is to make young adults aware of high-risk drinking or drinking to intoxication. The message is "Control your drinking before it controls you".

333. In relation to the problem of drink-driving, the new Government Strategy for Road Safety (1998-2002) published by the Government recognizes that alcohol is an important factor in up to 40 per cent of road accidents. The new key actions relating to alcohol include:

The use of evidential breath testing in the enforcement of drink-driving law which will permit an increase in the number of proceedings against drink-driving offenders and underscore the likelihood of detection for the offence of drink-driving;

The consideration of changes in the present legal requirement in requesting a breathalyser test and the possibility of random breath testing if warranted;

Review of the Coroners Act, 1962 to provide for wider availability of information from the Coroner's report about the blood alcohol levels of road accident victims.

334. A responsible server training course has been designed to reduce alcohol-related problems in and around bar premises. This requires bar owners to develop the knowledge, attitudes and skills that will enable them to exercise greater responsibility in the serving of alcohol. A framework has been established with the drinks industry that includes a national survey to examine current practices and the needs of publicans in the responsible serving of alcohol. A training protocol has been developed and a pilot training programme is scheduled for the coming months.

335. The Committee also expressed regret at the relatively high rate of teenage suicide and the long waiting lists for medical services at public hospitals. The National Task Force on Suicide, which published its report in early 1998, recognized that young persons aged between 15 and 24 years of age (particularly young males) were at high risk of suicide and attempted suicide. A comprehensive strategy to attempt to reverse the increase in levels of suicide and attempted suicide based on the recommendations of the National Task Force on Suicide report is currently being implemented. A key feature of the strategy is the establishment of a national suicide research group of experts which it is hoped will identify cause and effect factors associated with the incidence of suicide and attempted suicide as distinct from co-relationships identified in the National Task Force report.

336. As regards hospital waiting lists, the Government has taken a structured and strategic approach to implementing the provisions of the Programme for Government relating to hospital waiting lists. This approach is aimed at identifying the underlying causes of unduly long waiting lists/waiting times and developing and implementing a long-term programme, involving all elements of the health-care system operating in an integrated and coordinated manner to ensure the efficient and effective operation of elective procedures. The Government's structured and strategic approach to date has involved:

The commissioning of a Review Group on the Waiting List Initiative, which reported in 1998. The Review Group's report stressed the need for immediate, medium- and long-term initiatives to address the underlying causes of waiting lists and unacceptable waiting times and recognized that there are no simple or "quick fix" solutions. In

particular, the report emphasized that the problem of waiting lists extended to factors beyond the acute hospital section alone and requires developments at primary care and continuing care levels also, e.g., care of the elderly, rehabilitation and the young chronic sick, all of whom inappropriately "block" about 4 per cent of acute hospital beds daily;

The allocation of increased funding for the Waiting List Initiative of £12 m (1998) and £20 m (1999). The £20 million represents a total increase of 250 per cent over the 1997 allocation of £8 m (which represented a reduction in WLI funding over the 1996 allocation and precipitated the increase of waiting lists/times which occurred over 1997 and 1998);

An additional allocation of £9 m for services for older people, designed to free up acute hospital beds for elective work;

Capital investment in services for the elderly, including the provision of 120 additional places for the elderly in the Dublin area and a further additional 350 places in other parts of the country;

An additional allocation of £2 m to the Accident and Emergency Services;

The issuing of two policy circulars (December 1997 and January 1999) designed to improve the organization and management process for elective procedures in acute hospitals, aimed at optimizing the throughput of elective patients and including guidelines in relation to referrals by general practitioners and effective discharge policies;

The implementation of a major acute hospital development programme.

337. The outcome of the Government's approach to date has resulted in a reduction of 1,887 in waiting lists for the first time since December 1996; an overall reduction in the proportion of adults waiting more than 12 months from 48.5 per cent (December 1998) to 46.8 per cent and an overall reduction in the proportion of children waiting more than 6 months from 76.3 per cent (December 1998) to 67.1 per cent.

D. NGO observations

338. In drawing up this report it has been the practice of the State party to consult with the NGO sector, in recognition of the important role that this sector plays in the promotion and protection of human rights. In keeping with this practice, the concluding observations were distributed to a number of interested NGOs and the following points address a number of concerns raised by them. In some respects, these concerns do not necessarily address the concluding observations specifically but rather problems as regards the State party's report and the reporting and monitoring mechanisms of the Covenant in general.

339. Concern was expressed that the report lacked context and relevant statistical and other information. The tendency of the report was to provide a deluge of factual information, which often made it difficult for the Committee to ascertain the essentials of the situation. It was felt that this was a waste of time and resources as it prohibited the Committee from assessing the

issues realistically and accurately and on numerous occasions it was forced to ask for more pertinent information to be provided. It was suggested that the State party should adhere in a stricter manner to the spirit and letter of the Committee's general guidelines of 1991 on the form and content of reports.

340. It was pointed out that the composition of the national delegation to the examination of the report is a factor in determining the way it responds to questions. At the examination of its initial report, Ireland was represented by a delegation made up solely of civil servants. It was highlighted that the absence of a member of government meant that probing by the Committee was of limited use as civil servants could not make commitments on policy matters. It was therefore suggested that the Committee should consider recommending that every State delegation should include a member of government.

341. A number of concerns were expressed relating to the examination process itself. Firstly, it was felt that the questioning procedure, while logical in the way it followed the order of the articles, has a major disadvantage: where the economic and social rights of a particular group, such as the mentally disabled, are concerned, it is not possible to raise all the issues relating to that group at the same time. Instead, concerns must be raised under the different appropriate articles, which affects the coherence of the questions and answers on the issues relating to that group and prevents an in-depth exchange. It was also felt that the Committee was facing difficulties in focusing on the more important elements of the State party's report and that, in this respect, greater consultation beforehand with NGOs would help identify the most important issues. Finally, disappointment was expressed that the concluding observations did not reflect many of the important matters that had been raised during the questioning of the delegation by the Committee members, such as the situation of refugees and asylum-seekers.

342. The most pressing concern raised by the NGO sector was the need to make economic and social rights justiciable, which would in turn provide the basis for a policy and programme framework and accountability mechanisms, all of which would enhance the effective realization of economic and social rights:

> "If social and economic rights are to be enforceable, responsibilities have to be identified, implementation consistently monitored and policies and programmes continuously evaluated. By making them justiciable, rights hitherto broadly expressed would be increasingly specified in assessable quantifiable and qualitative terms. The whole legal, political and economic system would ipso facto become more orientated to specificity of performance and accountability. Programmes would be more accurately targeted, evaluation and monitoring more effective and the real needs of those most in need brought more to the forefront."[9]

It was also felt that the State should implement a human rights proofing system along the lines of the existing National Anti-Poverty Strategy. This would help give meaning in the national context to general statements of economic and social rights at the international level.

Notes

[1] It is expected that the new constitutional provisions will take effect from February 1999. The amendments allow for, without automatically affecting, a replacement of the existing article 3 set out in the core document.

[2] As of August 1998. The Twelfth Amendment Bill was not carried but was put to the people at the same time as the Eleventh and Thirteenth. Therefore the number 12 was lost from the list and all subsequent amendments carry a number one higher than their place in the sequence of amendments.

[3] The four Pillars of Partnership 2000 are: the Government, Employer's representative bodies, farming representative bodies, and the community and voluntary pillar.

[4] Irish Fisheries Board.

[5] Unlike its predecessors, each of which covered a three-year period, Partnership 2000 will run for three years and three months. It covers the period January 1997-March 2000.

[6] Partnership 2000 is the current national agreement on economic and social issues between the Government, employers, trade unions and community interests.

[7] In July 1997, following the election of a new Government, the name of the Department of the Environment was changed to "Department of the Environment and Rural Development" and the name of the Department of the Marine was changed to "Department of the Marine and Natural Resources".

[8] A list of attendance at this consultation is included in Appendix III.

[9] "Completing the circle: making good the UN human rights monitoring system at national level: the case of Ireland", Irish Commission for Justice and Peace/Council for Social Welfare, 1999.